

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION	DATE: December 4, 2017
SUBJECT: VRD Appeal Hearing – 2967 Spinnaker Ave	ITEM NO: 4.1

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SUBMITTED BY:


Megan Worton, Planning Assistant

ITEM 4.1.1

November 27, 2017:
Planning Department
Addendum



PLANNING DEPARTMENT ADDENDUM TO STAFF REPORT

Background

At the September 28th, 2017 meeting of the City of Bandon Planning Commission, a public hearing was held for a Conditional Use Permit for a Vacation Rental Dwelling at 2967 Spinnaker Drive SW. The Commission ultimately voted to approve the request in a 4-3 vote after a presentation from staff, the applicants, and public testimony. Those that had standing in the case by either presenting oral or written testimony filed a timely appeal of the decision November 6th, 2017. This memorandum should be used as an addendum to Staff's initial report and will provide additional detail regarding the contents of the Planning Commission meeting and issues discussed in the appeal.

The applicant in this matter is:

- Bao Yi Gu, 15745 SE 25th St., Bellevue, Washington

The appellants in this matter are:

- Elwood Caban, 2991 Spinnaker Drive SW
- Aida Caban, 2991 Spinnaker Drive SW
- Alexis Proctor, 2992 Ruby Court
- Clarence Pitts, 2958 Ruby Court

In their appeal, the appellants discussed their grounds for appeal which included:

- **Neighborhood Compatibility:** Size and capacity of home and property, parking, commercial use in a residential area, noise concerns, and traffic implications.
- **Conditional Uses:** The construction of the home was an outright permitted use, while the Vacation Rental Dwelling is a use only allowed when the conditions are correct for the use. In this case, the appellants make a case for the need for long-term housing rather than vacation rentals.
- **Defining the Term "Existing":** The Bandon Municipal Code states that a home must be an existing single-family, detached dwelling in order to qualify as a Vacation Rental. The home received the C of O the day before the applicant's conditional use permit request was deemed complete, leaving in question the definition of "existing".

These topics were also key components of the Staff Report and were discussed amongst Commissioners during the public hearing.

Decision of the Planning Commission

The Planning Commission's decision to approve the Conditional Use Permit for the Vacation Rental on Spinnaker Drive left the commission in a 4-3 split. Commissioners Slothower, Schubothe, Graham, and Kimes voted in favor, and Commissioners Bremmer, Tiffany, and Reed voted in the negative.



Neighborhood Compatibility: During their deliberation, the Commission discussed the size of the home and property in question in comparison to the sizes of homes and properties surrounding. The property is 13,300 square feet with a five bedroom home that has 2,686 square feet of habitable area (3,550 if you include the garage and porch areas). Surrounding properties are in the range of 1,500 to 2000 square feet on lots about half the size.

This size home is permitted outright in the zone and the plans were reviewed before the Planning Commission Hearings Officer during the initial plan review, required in the CD-1 zone. Some commission members felt that because the home construction was in accord with the height and setback requirements of the CD-1 zone, size should not play into the decision for the conditional use.

Other commissioners felt that because this is a **conditional** use, the conditions need to be correct to allow the VRD use. In this case, they felt the home size was too big for the surrounding neighborhood for the proposed vacation rental use – as opposed to a single family home. Specifically, concerns about the occupancy of the proposed vacation rental were brought up because with a larger home, a greater number of transient occupants can be accommodated, which also means possible increased parking, traffic, and noise – when compared to the occupancy of the other single family homes in the neighborhood.

The commissioners in the minority also expressed concern about neighborhood compatibility due the issues raised by several neighbors there to speak in opposition of the VRD. In addition to the four individuals who are the appellants and provided testimony against the application, there were eight others in the neighborhood who provided written or verbal testimony against the application.

Another issue raised, but with no ultimate conclusion, was the consideration of this area of CD-1 property located away from Beach Loop and the bluff area, and the appropriateness of vacation rentals in this neighborhood, specifically related to compatibility. There is an existing small VRD across Spinnaker from the proposed VRD, but no others within the immediate area.

The Council may wish to discuss the issue of the size of the home as a VRD as it relates to neighborhood compatibility. Further, the Council may also wish to discuss the concerns of surrounding neighbors in the determination of compatibility.

Conditional Uses: The Commission also discussed the requirements for a Conditional Use within the Controlled Development zones. Commissioner Bremmer pointed out that part of the requirements of a Conditional Use application is consistency with the Comprehensive Plan. Bandon's Comprehensive Plan states that, *"In Bandon, the only uses promised to landowners are those identified in the zoning ordinance as permitted. Conditional uses are just what the term implies, they are 'conditional'. The City has considerable discretion in determining if such uses will be approved. For example, a conditional use must first comply with the comprehensive plan. Further, the City must determine if the conditional use will alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the permitted uses listed in the underlying zone. The*



purpose of the Conditional Use Permit criteria are to ensure that a proposed use is fully reviewed and assessed for conformance with applicable Comprehensive Plan and Zoning standards” (Bandon Comprehensive Plan, 174).

The Comprehensive Plan further states that, *“The south Jetty and the bluff contain the most unique and attractive areas for residential, tourist commercial, and recreation within the city. These areas have been zoned for “Controlled Development”, in which only one and two family dwellings are permitted outright, and then only under rather strict conditions. There are a variety of conditional uses which may be permitted by the Planning Commission, providing additional specified conditions are met. The intent is to control future development in order to enhance the area’s unique qualities” (Bandon Comprehensive Plan, 165).*

While staff prepares a report with information about the application and the applicant’s stated conformance with the approval standards, the Planning Commission (and the City Council on appeal) has the discretion to assess and interpret the conformance of the application with the Comprehensive Plan based upon their interpretation of the evidence and plan policies. The application review should not be taken as a checklist approach, as that would only require administrative approval, but rather as a discretionary decision to decide the appropriateness of the use within the zone. The Commission discussed this issue at length with differing points of view, with the majority ultimately deciding that the application should be approved.

In land use actions, the burden of proof is on the applicant to show that this use meets the criteria for approval and that it is consistent with the Comprehensive Plan. After reviewing the information provided by the applicant, some Commissioners felt that what was provided was insufficient to justify the conditional use and that because so many of the neighbors showed up in opposition to the application the use would negatively affect and limit the permitted uses in the underlying zone. The Commissioners who voted in favor of the application decided that the use of the property as a vacation rental would not alter the neighborhood in a way that would limit or impair the permitted uses because there is already a vacation rental in the neighborhood and the Comprehensive Plan encourages mixed uses in the tourist commercial area based upon the information provided and their knowledge and experience.

Defining the Term “Existing”: The Bandon Municipal Code requires that to qualify as a vacation rental the property must contain an existing single-family detached dwelling. Our code does not, however, define “existing”. Some commissioners chose to define this term literally, as if one could not apply to be a vacation rental prior to the construction of the home – since it would not exist. Whereas others felt that if the structure did not yet *exist* as a *residence* (i.e. it would have to be lived in first) it should not be considered existing. The primary concern for allowing the literal definition is that anyone could then build a home with the intention of using it as a vacation rental without consideration of the residential character of the zone or neighborhood.



The appellants also took issue with the lack of definition here and looked up the meaning in an online dictionary. The listed definition is, "having existence or being or actuality." The home has never been lived in and the appellants felt that this does not constitute actuality of a residence.

Staff has not encountered any other applications like this in the past and thus definitions within the code regarding the qualifying factors for a VRD are lacking. Following the public hearing for this application, the Planning Commission directed Staff to consider defining "existing" and providing greater clarity in the application process for VRDs.

The Council may wish to consider the definition of "existing single-family dwelling" and how it applies in this appeal.

Recommendations

The City Council may choose to approve, approve with conditions, or deny the application.

Given the split vote and differences of opinion among the Planning Commissioners, it is the opinion of the Staff that Council should consider the issues that the Planning Commission discussed and that the appellants brought forward, specifically looking at neighborhood compatibility, project impacts, justification for the conditional use, and the lack of definition for the term existing.

It must be remembered that the approval of a VRD is a discretionary decision of the City, to be made by the City Council under this appeal, based upon evidence and findings of fact. The Council may choose to discuss whether or not this application adequately addresses the required criteria and if it indicates that the applicant will be creating a use in the neighborhood that is truly worthy of approval. The City has a history of encouraging and approving vacation rentals in the CD-1 zone

With this in mind, Staff recommends the following for discussion:

- Has the applicant provided enough evidence that this use will not negatively impact the permitted uses in this zone? The Council may consider mitigating the impacts by adding a condition that limits the vacation occupancy of the home. The applicant's representative, Dave Schradieck, will also be the property manager for the rental and has stated that the maximum occupancy of the VRD will be eight. Should the Council find that the impact of eight is too great, a reduction in the allowed occupancy could be considered.
- Another option regarding neighborhood impacts may be for the Council to consider requiring the applicant to construct an 8-foot fence at the rear yard to shield the neighbors from the vacation rental use and mitigate some of the potential noise disturbance.



- Did this home “exist” prior to applying for a Conditional Use Permit for a Vacation Rental Dwelling? While no definition exists within the code, the Council has the discretion to interpret this requirement. The majority of the Commission decided that since the home was fully constructed and had obtained a Certificate of Occupancy, it exists. The appellants have stated since the home was not occupied for residential purposes, it is not an existing residence, and have offered a definition in support of this position. The Council may wish to discuss the impacts of this interpretation.
- Is this use, a VRD proposed in a home substantially larger than homes along Spinnaker, compatible with the existing neighborhood? The majority of the Commission found that since the home met the underlying zoning setback and height requirements as a single-family home, it was compatible. The appellants argue that may be true for a single-family home, but that the large size, when used as a VRD, creates incompatibility issues and impacts on the residential character of the neighborhood. Are the conditions on Spinnaker Drive right for a vacation rental of this magnitude? The Council may wish to discuss the appropriateness of this use in this neighborhood especially as it is far away from the ocean and other tourist amenities. The City only allows vacation rentals in the controlled development zones (CD-1, CD-2, & CD-3), where the goals are to protect and enhance existing natural features of the ocean and beaches
- Finally, the burden of proof lies with the applicant to justify that the conditions of the use match with the existing uses in the zone. The applicant’s responses to the vacation rental checklist and the findings of fact in the application were limited. The majority of the Commission found that, based upon their experience and knowledge of the area, the application should be approved. The Council may wish to discuss whether or not enough information has been provided to make this decision.

ITEM 4.1.2

November 27, 2017:
Property Managers
Testimony

Information from **Bandon Beach
Vacation Properties, LLC** supporting the
Planning Commission's decision to
approve the VRD permit for 2967
Spinnaker.

Bandon Beach Vacation Properties, LLC
541-347-4801

17.20.010 Purpose

CONTROLLED DEVELOPMENT 1 (CD-1) ZONE

The purpose of the CD-1 zone is to recognize the scenic and unique qualities of Bandon's ocean front **and nearby areas** and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development in this zone. **It is intended that a mix of uses would be permitted, including residential, tourist commercial and recreational.** Future development is to be controlled in order to enhance and protect the area's unique qualities

17.20.030

Conditional uses

In the CD-1 zone, the following uses and their accessory uses may be allowed in accordance with Chapter 17.92 and the provisions of this title:

- A. Duplex;
- B. Planned unit development (P.U.D.);
- C. Museums, tourist information centers, parks and recreational facilities;
- D. Gift, art, or handicraft store;
- E. Eating and drinking establishment;
- F. Motel, hotel;
- G. Bed and breakfast, bed and breakfast inn;
- H. Vacation rental dwellings;**
- I. Residential uses incidental to other conditional or permitted uses;**
- J. Governmental structure or use;
- K. Church.

17.92.090

Standards governing conditional uses

K.

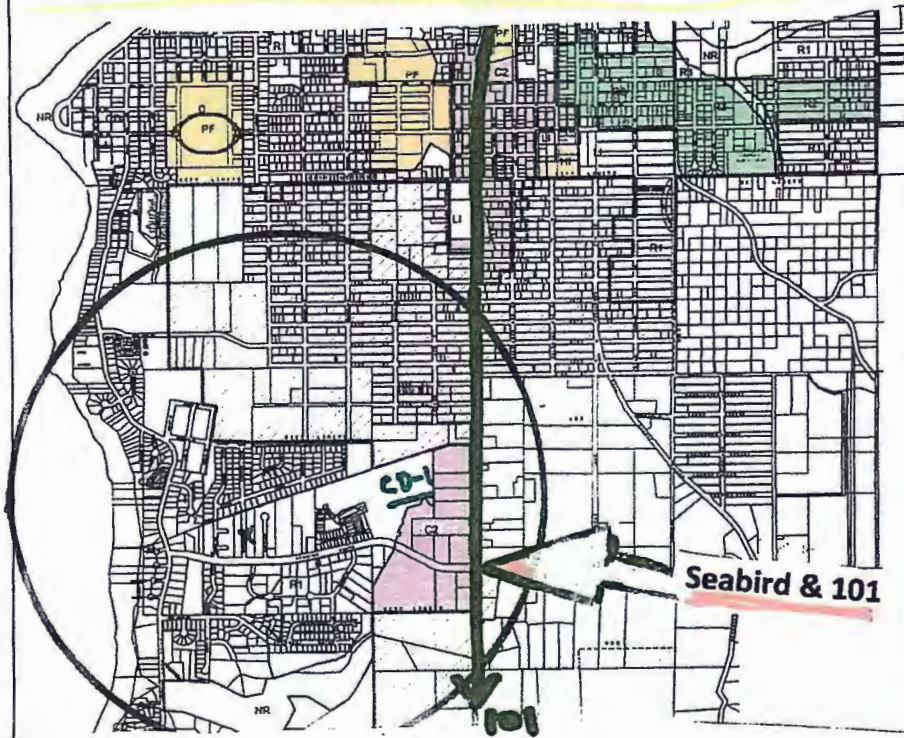
Vacation Rental Dwellings.

Vacation rental dwellings are a conditional use in the CD-1 and CD-2 and CD-3 zones, and are subject to the requirements of this chapter. **A dwelling may only be eligible for VRD status provided that it is an existing single-family detached dwelling, and that less than 30% of the dwellings on property within 250 feet of the subject property are VRD's**

Tourism.

The tourism market is based on drive through traffic, though the city has made progress in becoming more of a destination in recent years. This dependence on fuel makes the sector very sensitive to gas and oil prices. The fact that there is no public transportation to the Bandon area coupled with increases in gas and oil prices could have a chilling effect on the tourism industry. For Bandon to retain its share of recreational activity, the city should consider additional steps to make itself a desirable destination rather than a drive-through area. In order to do this, the city must develop its unique qualities, allow for expansion of overnight services, increase its range of recreational services to provide a wider variety of recreational experiences, and consider ways to recruit tourists.

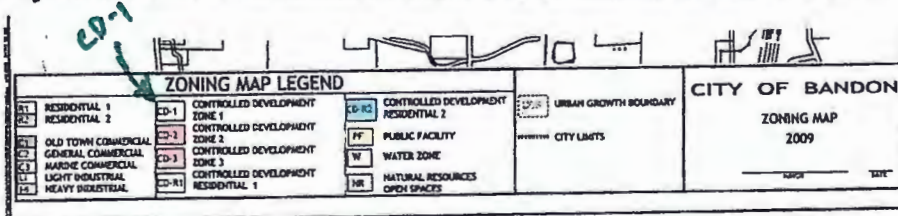
The above is from page 121 of 1991 BANDON COMPREHENSIVE PLAN



The vacant land in the beach area is in a controlled development which permits tourist — commercial uses. Because of the proximity of the Bandon beach area to Highway 101, and the access afforded by Beach Loop Road and Seabird Lane, additional tourist-commercial development is likely in the future.

The above is from page 63 of the 1991 comprehensive plan

There is another vacation rental on Spinnaker and a church about a quarter mile away, Billy Smoothboars restaurant is at the end of seabird as well as a realtors office.



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For Bandon to retain its share of recreational activity, the city should consider additional steps to make itself a desirable destination rather than a drive-through area. In order to do this, the city must develop its unique qualities, allow for expansion of overnight services, increase its range of recreational services to provide a wider variety of recreational experiences, and consider ways to recruit tourists.

The impact of the cost of energy on second-home residents is less clear. While it will reduce the ability of people to go to their second homes, it may also increase the demand for second homes, since second homes are a form of destination tourism.

Factors that may work in favor of continued present patterns are the increasing fuel efficiency of newer cars and the possible introduction of alternative fuels.

Frank Gu never said he was moving into his house in Bandon immediately.

Frank built this home to visit with his son and family for vacations and as a place to retire to someday and for his parents to enjoy. Using this as a long term rental would not allow Frank to use the house for family getaways and vacations.

Frank is a senior electrical engineer in a power utility company in Washington State.

In his spare time such as weekends and after hours, Frank has developed software programs for the company he works for. One of which can quickly find equipment locations during storm power outages, which can effectively reduce power recovery time.

As a volunteer, Frank has designed and maintains a website for a folk dance club in Seattle.

Frank's son is in middle school grade 7. He is an active member of 'future problem solving' program.

Frank's wife holds a bachelor degree in engineering; she also learned interior design courses in a college.

Frank is very involved in his career, community and other activities in Washington and would never have said he is leaving a successful career and moving his family while busy in school and other activities,

Using his new house as a vacation rental will help with the mortgage and miscellaneous expenses and I told him he should try and turn in the application sooner than later because I know how long a process it is.

Requesting to start the VRD permit process early was my doing. Frank contacted the Planning Dept. about this and was turned down. I then contacted David Kimes who explained that we have to follow the process and we can't apply for a vrd permit until it has a C O O.

David Kimes explained that having a C O O makes the house exist and without the COO the house does not exist. Therefore to be existing it must be finished and signed off by the city and get its C O O.

Single Family Detached Dwelling is a term used to describe a style of property. Daniel Graham clarified this when the Planning Commission approved our VRD application at the September 2017 Planning Commission meeting.

The staff report indicated that the house was "Over 3500 square feet". The staff report is wrong, the house is **2686 sq ft.** see spec sheet included from home builder regarding this house.

This house was approved in its location by city planning dept. before being built.

This house has a C O O so it was all approved and finalized.

Permitted Use – This is a CD-1 zone and there is another vacation rental across the street.

Seabird Chapel, a church less than a quarter mile away.

Our clients would be instructed to use the driveway and garage for parking and not to use the street.

Our plan is to have the maximum occupancy be 8 people even though more could fit.

Drainage from this property runs out to the street as requested by the city and utilizes the storm drain there.

This house will have a minimal impact in this neighborhood. It is the second house on the right and the property has all the parking needed.

We have no problem following all recommendations suggested in the staff report and any conditions we have already discussed in the planning meeting.

There is no noise issue.

With a vacation rental the neighbors have recourse if there are **legitimate** problems. The city could pull the license if there were on going issues.

Bandon Beach Vacation Properties, LLC has **NEVER** in fifteen years had a noise problem in which the police had to come out.

Bandon Beach Vacation Properties, LLC has **NEVER** had a property get reviewed by the Planning Commission as well.

We are a local vacation rental property management company that watch's over the property and guests.

Bandon Beach Vacation Properties, LLC is about 2 miles away.

Comments on staff recommendations

#2 We have no plans for advertising signs at this time.

#3 We have no plans for any other lighting.

#4 Beach instructions are in our 3 ring binder.

#5 Parking; Instructions to use the garage and driveway are provided in the initial confirmation packet we send out to every guest and in our three ring binder.

#6 Bandon Beach Vacation Properties, LLC has signs up by the phones and in the three ring binder providing our number and other emergency numbers.

#7 Occupancy is on web sites, brought up when reservation is made and posted in three ring binder.

#8 City dog leash code is in the three ring binder even though this house does not allow pets at this time.

#9 Tsunami info is in three ring binder.

#10 Bandon Beach Vacation Properties, LLC and the Bandon Police have good relations and communicate.

#11 The property was professionally landscaped and is as nice or nicer than most.

#12 We have a local trash service in place.

#13 VRD tax stuff is done by us timely and we manage over 20 other rentals. Often we call the city for the forms before we get them.

#15 max parking of 5 vehicles is fine.



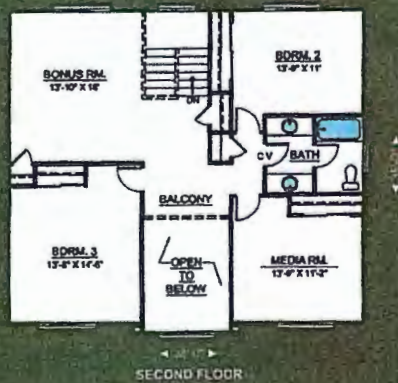
Plan | 2686

Living Area | 2686 sq ft

Bedrooms | 3 + Media, Den, Bonus

Baths | 2-1/2

2 Car Garage



On Your Lot,
On Time, Built Right!
HiLineHomes.com

Plan 2686-2015-01-27-01 © 2015 All Rights Reserved. HiLine Homes, Washington and HiLine Homes are trademarks of HiLine Homes. All other trademarks are the property of their respective owners. This plan is subject to change without notice. Please contact your sales representative for more information. HiLine Homes is not responsible for any errors or omissions in this plan. All dimensions are approximate and may vary slightly from actual construction. All measurements are in feet and inches. All measurements are to the center of the wall unless otherwise noted. All measurements are to the finished surface unless otherwise noted. All measurements are to the finished surface unless otherwise noted. All measurements are to the finished surface unless otherwise noted. All measurements are to the finished surface unless otherwise noted.

$40' \times 70' = 2800$ ← house and part of front and rear concrete
 $32' \times 14' = 448$ ← Remaining rear concrete
 $35' \times 22' = 770$ ← Remaining front drive way

 $4018 \quad 2.100\%$

$38' \times 14' = 532$ ← rear rock
 $81' \times 5.5' = 445.5$ ← left side rock
 $54' \times 5.0' = 270.0$ ← right side rock

 $1247.5 \quad 2.60\%$

 148.5

$4018 + 148.5 = 4166.5$ Total

Impermeable Rate =

$4166.5 / 11310 = 36.8\%$

The city's maximum impermeable rate is 60% for this property. Our percentage is about 35.8% the lot measures about 121' x by about 110'

PLOT MAP FOR:

Bao Yi Gu

CONTACT #:

EMAIL: fi

SITE ADDRESS: TBD Spinnaker Dr., Bandon Oregon 97411

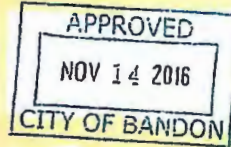
MAP/TAX LOT #: 28S15W36CD/612

.30 Acres

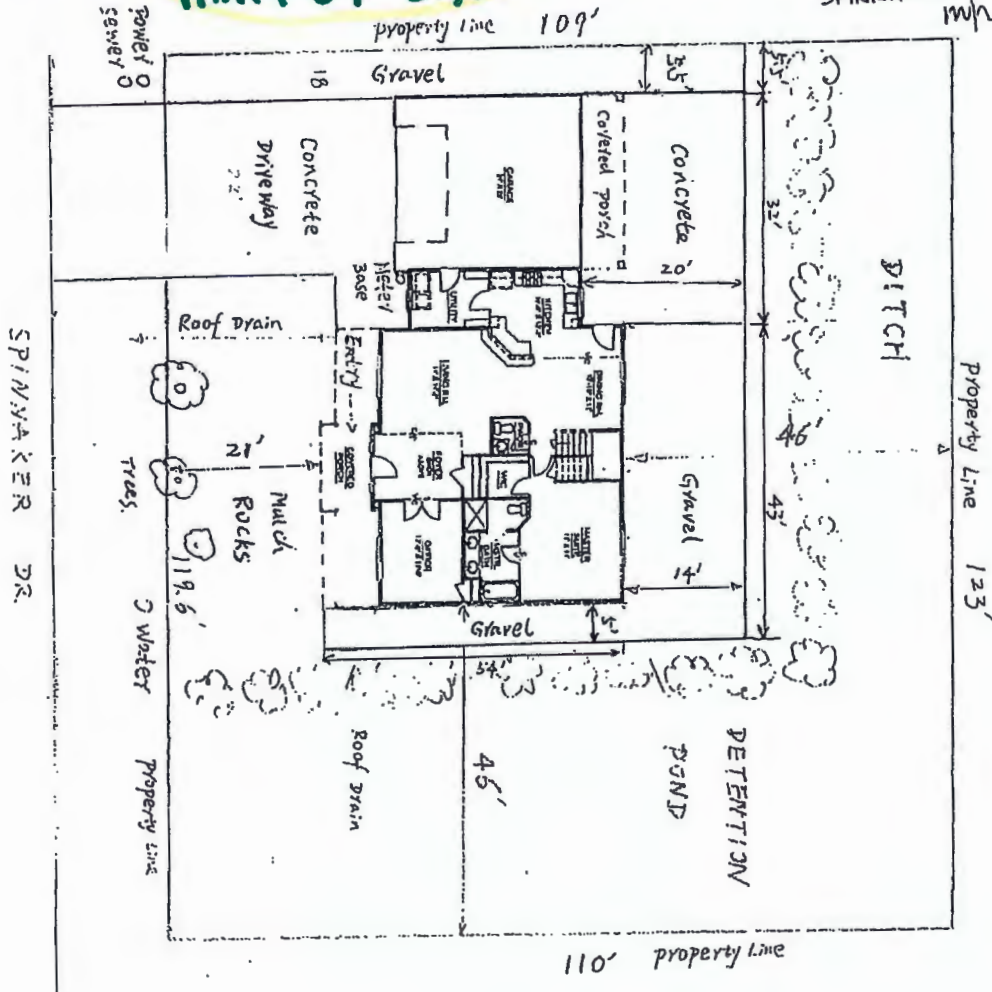
Impervious surface 4767 sft

Rate = $4767 / 13310 = 35.8\%$ scale: 1" = 20'

= 35.8, well below city limit of 60%



* ALL ROOF DRAINS MUST BE HARD PLUMBED TO SPINNAKER. mjr



SPINNAKER COTTAGE

BANDON, OREGON

- Home
- Cottage Features
- Photos of Cottage
- Nearby Attractions/Photos
- Rates and Policies
- About Us
- Compare Spinnaker Cottage
- Contact Us
- Home
- Cottage Features
- Photos of Cottage
- Nearby Attractions/Photos
- Rates and Policies
- About Us
- Compare Spinnaker Cottage
- Contact Us

Across the Street!




PATH TO BEACH

Home

Spinnaker Cottage Vacation Rental is located in beautiful Bandon, OR. It is just a quick 5 minute walk on a beautiful tree lined path to the best uncrowded world class walking beach in Oregon! No stairs to the beach and no stairs in the home! Spinnaker Cottage is a 3 bedroom, 2 bath home away from home with new decor on a quiet street. You can hear the ocean from the bedroom window. There is a nice large, fenced and wind protected backyard. This is a detached home with no shared walls. THIS IS A FULLY LICENSED VACATION RENTAL WITH THE CITY OF BANDON AND THE COOS COUNTY HEALTH DEPT. (NOT ALL ARE LICENSED) THIS IS AN ON-GOING FULLY INSPECTED VACATION RENTAL AS WELL. Newer Beautyrest Beds! New easy backyard to door fencing for a pet in 2015!! New back fence for small dogs in 2016. Brand new flooring in every room for 2017!! 2 BRAND NEW RECLINERS delivered 8/17!! Why stay at a motel when you can have a fully stocked home for about the same price!

TechMission
City Vision University
Internships
ChristianVolunteering.org
More



Search over 10,000 volunteer opportunities

email

Log In
create
account

**Wh
co
in**

Search
Volunteers
Organizations
Churches
Internships
Jobs

Create Account
Login
Reset Password
Help

Organization Profile
Find: Volunteer Opportunities

Keyword (Service Areas, Skills)

(or Country)

Search By:

Distance: within 25 miles

Service Area:

- Children and Youth Ministry (632)
- Social Services (621)
- Directly Serving People (604)
- Education (461)
- Adult Ministry (428)
- Indirectly Serving People (374)
- Teaching (314)
- Administrative / Office Work (270)
- Computers / Technology (231)
- Business (224)
- See more >>

Great for:

Frequency:

Benefits:

Length of Trip:

Region:

Country:

Advanced


Seabird Chapel Church of God, Bandon, Oregon

Organization Details
Guidestar Profile

Address: 880 Seabird Dr Sw
Bandon,
Oregon 97411-8836
United States

Is 501(c)(3) nonprofit certified by the IRS?: Yes

EIN: 93-0658363



Bandon
[View larger map](#)

[View Larger Map](#)

[Recommend this Organization](#)
[Donate to this Organization](#)

[Login to Add to Favorites or Report Abuse](#)

■ **Confirmed Affiliations**

<p>Partner Volunteer Sites:</p> <ul style="list-style-type: none"> UYWI HLIC Mission America 	<p>AGRM</p> <ul style="list-style-type: none"> FaithInAction Syndication Partners 	<p>Gospel.com</p> <ul style="list-style-type: none"> Catholic Volur
<p>Regional Volunteer Sites:</p> <ul style="list-style-type: none"> Los Angeles, CA New York, NY Chicago, IL Boston, MA 	<p>Atlanta, GA</p> <ul style="list-style-type: none"> Washington, DC Philadelphia, PA Dallas, TX 	<p>Minneapolis-S</p> <ul style="list-style-type: none"> San Diego, C/ Zip Code Siter Virtual Volunte
<p>Sections:</p> <ul style="list-style-type: none"> Christian Foundation Grants Directory Church Volunteer Resources Short Term Missions Christian Family Volunteering Medical Missions Volunteering 	<p>Organization Sitemap</p> <ul style="list-style-type: none"> Organization Directory Christian Gap Year Christian Disaster Relief Volunteering Volunteer Management Wiki 	<p>Volunteer Listi</p> <ul style="list-style-type: none"> Volunteer Site Volunteer in a Volunteer in Tr Christian Jobs

House size in relation to the property.

2948 Spinnaker is .15 acre and the house is 1296 sq ft

Double that and you have .30 acre and the house would be 2592 sq ft

2952 Spinnaker is .15 acre and the house is 1404 sq ft

Double that and you have .30 acre and the house would be 2808 sq ft

2976 Spinnaker is .15 acre and the house is 1512 sq ft

Double that and you have .30 acre and the house would be 3024 sq ft

2980 Spinnaker is .14 acre and the house is 1512 sq ft

Double that and you have .28 acre and the house would be 3024 sq ft

2994 Spinnaker is .15 acre and the house is 1782 sq ft

Double that and you have .30 acre and the house would be 3564 sq ft

Franks house (2967 Spinnaker) is on .30 acre of land and the house is 2686 sq ft

Divide that in half and the land would be .15 acre and the house would be 1343 sq ft. so it is actually smaller in proportion to the lot size than four out of the five houses mentioned above.

I think the house in relation to the property size is fine.

The property is also nicely landscaped.

The property owners of all of these properties purchased land zoned CD-1 and nothing has changed.

November 2017 Data Set (PARCEL ALIGNMENT WITH PHOTO MAY NOT BE EXACT)



COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2018
NOT OFFICIAL VALUE

November 22, 2017 12:31:17 pm

Account # 7776000	Tax Status ASSESSABLE
Map # 28S1536-CD-00605	Acct Status ACTIVE
Code - Tax # 5400-7776000	Subtype NORMAL
Legal Descr See Record	
Mailing Name SHANKS, RICHARD W.	Deed Reference # 2017-2190
Agent	Sales Date/Price 03-13-2017 / \$0.00
In Care Of	Appraiser LARRY W. RESCORLA
Mailing Address 2948 SPINNAKER DR BANDON, OR 97411-8866	
Prop Class 101 MA SA NH Unit	
RMV Class 101 06 25 CBN 45580-1	

Situs Address(es)	Situs City
ID# 2948 SPINNAKER DR	BANDON

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
5400 Land		62,040		Land	0
Impr.		138,720		Impr.	0
Code Area Total	153,750	200,760	153,750		0
Grand Total	153,750	200,760	153,750		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5400	10	R		CD-1	Market	100	A	0.15	HS	*	62,040
Grand Total								0.15			62,040

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
5400	1	2003	136	Carport- Class 3	100	0			16,290	
5400	2	2003	482	MH REAL DOUBLE CLASS 6	100	1,296		E - 256766	122,430	
Grand Total						1,296			138,720	

Comments: THE MOORINGS SUBDIVISION
LOT 4

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2018
NOT OFFICIAL VALUE

November 22, 2017 12:33:48 pm

Account # 7776100
Map # 28S1536-CD-00606
Code - Tax # 5400-7776100

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name JOAN C SWANSON TRUST

Deed Reference # 2015-2236

Agent

Sales Date/Price 03-17-2015 / \$0.00

In Care Of SWANSON, JOAN & ERIC TTEE

Appraiser DEANNA F. MOORE

Mailing Address PO BOX 1776
JACKSONVILLE, OR 97530-1776

Prop Class 101 MA SA NH Unit
RMV Class 101 06 25 CBN 45581-1

Situs Address(s)	Situs City
ID# 10 2952 SPINNAKER DR	BANDON

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
5400 Land		63,330		Land	0
Impr.		111,550		Impr.	0
Code Area Total	174,880	174,880	180,120		0
Grand Total	174,880	174,880	180,120		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5400	10	R		CD-1	Market		100 A	0.15	HS	*	63,330
Grand Total								0.15			63,330

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
5400	1	2004	462	MH REAL DOUBLE CLASS 6	100	1,404		E - 3554	92,870	
5400	2	2004	146	Carport- Class 4	100	0			18,680	
Grand Total						1,404			111,550	

Comments: THE MOORINGS SUBDIVISION LOT 5

COOS County Assessor's Summary Report Real Property Assessment Report

FOR ASSESSMENT YEAR 2018
NOT OFFICIAL VALUE

November 22, 2017 12:35:10 pm

Account # 7776300	Tax Status ASSESSABLE
Map # 28S1538-CD-00608	Acct Status ACTIVE
Code - Tax # 5400-7776300	Subtype NORMAL
Legal Descr See Record	
Mailing Name MULDERY FAMILY TRUST	Deed Reference # 2007-13843 (SOURCE ID(T): 2007-4601)
Agent MULDERY, WILLIAM H., TRUSTEE; ETAL	Sales Date/Price 04-09-2007 / \$252,500.00
In Care Of	Appraiser LARRY W. RESCORLA
Mailing Address 10768 TABELAU RD PINE GROVE, CA 95665-9749	
Prop Class 101 MA SA NH Unit	
RMV Class 101 06 25 CBN 45583-1	

Situs Address(s)	Situs City
ID# 10 2976 SPINNAKER DR	BANDON

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
5400 Land		62,040		Land	0
Impr.		96,000		Impr.	0
Code Area Total	144,040	158,040	144,040		0
Grand Total	144,040	158,040	144,040		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5400	10	R		CD-1	Market		100 A	0.15	HS	*	62,040
Grand Total								0.15			62,040

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
5400	1	2001	462	MH REAL DOUBLE CLASS 6	100	1,512		E - 4146	96,000	
Grand Total							1,512		96,000	

Comments: THE MOORINGS SUBDIVISION LOT 7

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2018
NOT OFFICIAL VALUE

November 22, 2017 12:36:47 pm

Account # 7776400	Tax Status ASSESSABLE
Map # 28S1536-CD-00609	Acct Status ACTIVE
Code - Tax # 5400-7776400	Subtype NORMAL
Legal Descr See Record	
Mailing Name DK-DM TRUST	Deed Reference # 2014-05512
Agent	Sales Date/Price 07-11-2014 / \$157,500.00
In Care Of CLAGUE, DONALD K., TTEE; ET AL	Appraiser LARRY W. RESCORLA
Mailing Address 10142 HEAVENLY WAY LAMESA, CA 91941-6873	
Prop Class 109 MA SA NH Unit	
RMV Class 101 06 25 CBN 45584-1	

Situs Address(es)	Situs City
ID# 10 2980 SPINNAKER DR	BANDON

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
5400 Land		62,040		Land	0
Impr.		14,190		Impr.	0
Code Area Total	60,860	76,230	60,860		0
Grand Total	60,860	76,230	60,860		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5400	10	R		CD-1	Market	100	A	0.14	MHS	*	62,040
Grand Total								0.14			62,040

Improvement Breakdown											
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV		
5400	1	1997	135	Garage-Class 3	100	0			14,190		
5400	1	1997	462	MH REAL DOUBLE CLASS 6	100	1,512		R - 242613	72,330		
Grand Total						1,512			86,520		

MS Account(s): 5400-R-242613
 *** The Real MS value is not included in the total of the real account
 Comments: THE MOORINGS SUBDIVISION
 LOT 8

COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2018
NOT OFFICIAL VALUE

November 22, 2017 12:37:36 pm

Account # 7776500 Map # 28S1536-CD-00810 Code - Tax # 5400-7776500 Legal Descr See Record Mailing Name D'AMICO, SUSAN C Agent In Care Of Mailing Address 5100 KERSEY ST APT 5108 DAVENPORT, FL 33897-9636 Prop Class 101 MA SA NH Unit RMV Class 101 06 25 CBN 45585-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2004-32813 (SOURCE ID(T): 2004-9482) Sales Date/Price 07-02-2004 / \$215,000.00 Appraiser LARRY W. RESCORLA
--	---

Situs Address(s)	Situs City
ID# 10 2994 SPINNAKER DR	BANDON

Value Summary					
Code Area	AV	RMV	MAV	RMV Exception	CPR %
5400 Land		62,040		Land	0
Impr.		90,040		Impr.	0
Code Area Total	145,350	152,080	145,350		0
Grand Total	145,350	152,080	145,350		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
5400	10	R		CD-1	Market	100	A	0.15	HS	*	62,040
								Grand Total	0.15		62,040

Improvement Breakdown										
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
5400	1	2000	462	MH REAL DOUBLE CLASS 6	100	1,782		E - 1697	90,040	
						Grand Total	1,782		90,040	

Comments: THE MOORINGS SUBDIVISION LOT 9

The neighbors don't seem to have any issues with using the streets for overflow parking. They park anywhere they please.

Maybe there should be a city signs going up and down the street saying "**NO PARKING**".

In reading several letters from the neighbors several said the contractors were very noisy and there was trash around.

I also found the workers from Hi-Line Homes to be very noisy and rude.

That was not the property owner Frank's fault!

It was a poorly run construction crew from Hi-Line Homes.

Another letter struck me as odd was from Joan Swanson, she owns a vacation rental on Spinnaker.

She says "the owner lives out of state" but Joan lives in Jacksonville OR 97530 (according to the assessors web site) which according to Google Maps is over four hours away, does she have a local property manager? **Sure seems like a case of I have mine and now you can't have yours.**

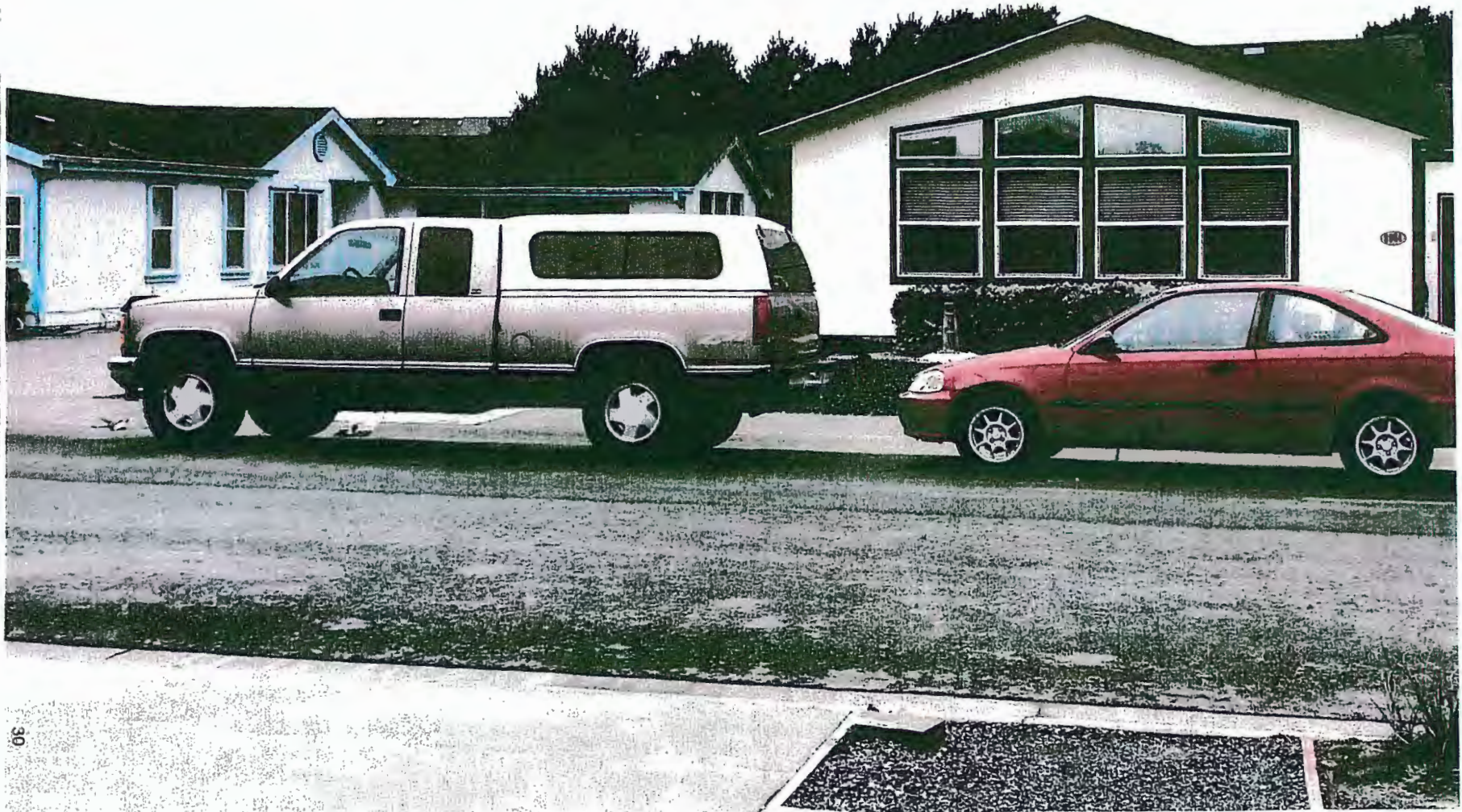
I respect the concerns of some people but a well-run operation that meets the conditions set by the city and their restrictions will have no adverse impact on the neighborhood especially with a local property manager that has an office less than 2 miles away.

The neighbors can contact Bandon Beach Vacation Properties, LLC if there is a legitimate problem and we will help either by calling the guest or coming to the rental in person whatever the situation calls for, as we would do at any rental we manage.



NEIGHBORS AND NEIGHBORS FRIENDS USE STREET AS A PARKING LOT.

H-22-17 directly across from our property







NEIGHBORS AND NEIGHBORS FRIENDS USE STREET AS A PARKING LOT.

This truck parks in a driveway across from our rental most of the time
other times on street.





We found that Google Maps and Bing Maps all captured cars parking on street at various times.

ITEM 4.1.3

November 14, 2017:
Notice of Appeal



NOTICE OF PUBLIC HEARING

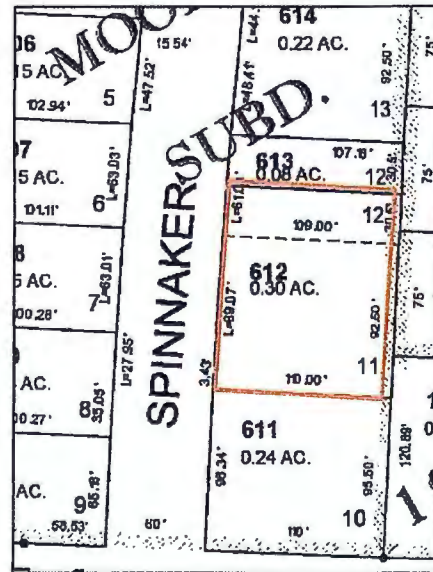
CITY OF BANDON

Notice is hereby given that a Public Hearing has been set before the City Council of the City of Bandon upon the appeal of an approved application for a Conditional Use Permit to designate an existing single family dwelling as a vacation rental dwelling, on property zoned CD-1 in the City of Bandon.

Property Owner:	Bao Yi Gu and Hui Min Zhao
Appellant(s):	Elwood Caban; Aida Caban (McKennon); Clarence E. Pitts; Alexis Proctor
Property Location:	2967 Spinnaker Dr. (Map 28-15-36 CD, Tax Lot 612)
Applicable Criteria List:	16.42 Definitions, 17.20 CD-1 Zone, 17.92 Conditional Uses, 17.124 Appeals

The hearing has been set for **Monday, December 4, 2017 at 7:00 p.m.** in the Council Chambers at City Hall. Time will be allowed for your verbal testimony at the hearing. It is recommended that testimony be presented in written form. Please note the deadlines below for submitting testimony:

- **5:00 pm, November 27, 2017:** Deadline for inclusion of testimony in City Council packet.
- **5:00 pm, December 1, 2017:** Deadline for Electronic (e-mail or FAX) testimony.
- **5:00 pm, December 4, 2017:** Deadline for receipt of hand delivered or US mail testimony.
- **After 5:00 pm on December 4, 2017:** Testimony must be presented at the hearing.



The ordinance criteria applicable to this application are available to review online at www.cityofbandon.org. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Bandon Planning Department, 555 Hwy 101, and Bandon, Oregon 97411. During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. If you have questions or comments concerning this request, please contact the Planning Department (541) 347-2437.

AFFIDAVIT OF MAILING

I, Megan Worton, hereby depose and say that I did, on November 14, 2017 send a Notice of Public Hearing for 2967 Spinnaker Dr. to be seen before the City Council, regarding the appeal of an approved Conditional Use Permit to construct a single family dwelling in the CD-1 zone, that was delivered to the united states post office at Bandon, Oregon on November 14, 2017 for mailing to the attached list of participants.



MEGAN WORTON
PLANNING ASSISTANT

FOR: NOTICE OF PUBLIC HEARING: 2967 Spinnaker Dr – CUP Appeal to City Council

ITEM 4.1.4

November 6, 2017:
Appeal Letter

APPEAL OF PLANNING COMMISSION DECISION TO BANDON CITY COUNCIL

Chapter 17,124,010, letter B of BMC, page 140 of 141, codified 10-04-09

The appeal is being made within 10 days of the Planning Commission's Findings of Fact on October 26, 2017, based on the public Hearing held on September 28, 2017 and subsequent Planning Commission vote of approval.

C.1 The decision we seek to be reviewed is as follows:
Conditional use permit allowing the dwelling at 2967 Spinnaker to be a Vacation Rental Dwelling within the CD-1 Zone.

Owner/Requestor: Bao Yi Gu, 15745 SE 25th St., Bellevue, WA 98008
For the property at 2967 Spinnaker Avenue, Bandon, OR 97411
Site: Tax Lot 612 of Map 28S-15W-36 CD

Date and Result of decision: Approved, September 28, 2017, with the Planning Commissioners voting as follows:
Kimes, Graham, Schubothe and Slothower – Yes
Bremmer, Reed and Tiffany – No

C.2 The following individuals were present at the September 28, 2017 Public Hearing and spoke, and provided written testimony against allowing the Conditional Use Permit:
Elwood Caban, 2991 Spinnaker, Bandon, OR 97411
Aida Caban, 2991 Spinnaker, Bandon, OR 97411
Alexis Proctor, 2992 Ruby Court, Bandon, OR 97411
Clarence Pitts, 2958 Ruby Court, Bandon, OR 97411
And are the appellants in this matter.

Interested parties who live in the neighborhood but did not attend, speak or provide written testimony, include:
Robert Berry, 2936 Spinnaker, Bandon, OR 97411
Benjamin Whetstone, 2965 Ruby Court, Bandon, OR 97411
Ann Patrick, 2649 Lincoln Ave. SW, Bandon, OR 97411

Interested parties who live in the neighborhood, did not attend, but provided written testimony, include:
Stacy Clemens, 2906 Ruby Court, Bandon, OR 97411
Grant Clemens, 2906 Ruby Court, Bandon, OR 97411
Debra Shanks, 2948 Spinnaker Avenue, Bandon, OR 97411
Richard Shanks, 2948 Spinnaker Avenue, Bandon, OR 97411
Bob Olds, 2941 Spinnaker Avenue, Bandon, OR 97411
Lois Olds, 2941 Spinnaker Avenue, Bandon, OR 97411
Dawn McCauley-Smith, 2980 Spinnaker Avenue, Bandon, OR 97411

Mary Woolley, 2821 Lincoln Avenue, Bandon, OR 97411

GROUNDS FOR REVIEW:

I. CONTROLLED DEVELOPMENT 1 (CD-1) ZONE – BMC 17.20 Page 13 of 141

Title 17 – Chapter 17.20.010 – Purpose

The purpose of the CD-1 zone is to recognize the scenic and unique qualities of Bandon's ocean front and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development in this zone. It is intended that a mix of uses would be permitted, including residential, tourist commercial and recreational. Future Development is to be controlled in order to enhance and protect the area's unique qualities.

VRD status is only allowed in Controlled Development zones. This residence, however, is inconsistent with the Chapter quoted above. The nature and scale of development has not been adhered to; it is not compatible with the rest of the neighborhood:

(a) It is a two-story home in a neighborhood of one-story homes. The garage a little north on Spinnaker from the home being discussed has had another story added, but not the home itself.

(b) It is a stick-built home; all the others in the neighborhood are manufactured homes.

(c) It is a home of 3,500 square feet on a lot of 13,300 square feet, whereas all other homes in the neighborhood are 1,500 to 2,00 square feet, with lots half the size of the subject lot.

To quote from the Staff Report to the Planning Commission presented for the September 28, 2017 meeting: "While the applicant may feel like the house as built is a 'higher class house on the street which can attract tourists, potentially improve the local economy and employment in some degree,' how this will happen has not been clearly shown." (page 7)

(d) The new structure would fit well in the next block north of Rogers Place, or on Beach Loop, but it has not been placed there. It stands out like a sore thumb in the Moorings Subdivision. It is anything but compatible with the neighborhood. Moorings is a subdivision with a high density of modest, single-family manufactured homes.

(e) The large number of bedrooms or potential bedrooms is inconsistent with the other homes in the neighborhood. When rented, there will be more extensive use of the property, street and surrounding area than currently exists. This home will have a greater, but not a positive, impact than the other VRD in the neighborhood in that, with five bedrooms, more people will be occupying the home, multiple cars will be using the streets and driveway, and there is more potential for noise.

(f) By allowing 5 off-street parking places, there will be increased traffic on Spinnaker, causing a negative impact on the neighborhood. Spinnaker is already a street carrying extremely large and heavy construction vehicles coming and going five days a week from the Ocean Trails subdivision, in addition to residents who come and go to work, go shopping, and/or to school. The addition of several more vehicles between the corner of Spinnaker and Seabird and the subject structure, is potentially hazardous to those driving on the street or living on the street, in particular a deaf woman, her husband and their adolescent son. An accident could easily happen as cars back out of 2967 Spinnaker into the path of one of the multitude of contactors' vehicles using the street, or any of the many neighbors living in Ocean Trails subdivision. In fact, a neighbor was struck and knocked down last year by someone backing out of his driveway in the first block of Spinnaker. The subject home definitely alters the character of the neighborhood, but not in a positive way. Title 17.92.040, letter G, page 79 of 141 of BMC, codified 10/04/09:

The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted use listed in the underlying zoning district.

"As it pertains to the [quoted] section above (Criteria [sic] G), the applicant has not clearly shown that the proposed use will not alter the character of the existing neighborhood. The CD-1 zone permits outright residential uses that include single-family homes, state parks, residential care and adult foster care home and public utilities. These are not uses that have the same impact that a vacation rental has the potential to create (multi-car parking, increased use of streets, and noise)." (Page 7 Staff Report to Planning Commission for September 28, 2017 meeting.)

II. Title 17.92 CONDITIONAL USES

Section 17.92.090, Standards Governing Conditional Uses

Letter K – Vacation Rental Dwellings, page 82 of 1141 of BMCV codified 10/04/09:

Vacation rental dwellings are a conditional use in the CD-1 and CD-2 and CD-3 zones, and are subject to the requirements of this chapter. A dwelling may only be eligible for VRD status provided that it is an existing single-family detached dwelling, and that less than 30% of the dwellings on property within 2250 feet of the subject property are VRD's. [sic]

To quote from the Staff Report to the Planning Commission for the September 28, 2017 meeting:

Per Section 16.42, "Vacation Rental Dwelling" (VRD) means an existing single-family detached dwelling which is rented, or is available for rent (whether advertised or not) for a period of

less than one month to a family, group or individual. A VRD is considered to be a commercial use. (page 2)

Making a potential single-family residence or a long-term rental a VRD takes it off the market as a viable place to live, particularly for the retention of entry-level professionals, the white and blue collar and tourist industry workforce, when there is a shortage of homes and rentals in Bandon. The Bandon Comprehensive Plan, Goal 10, Housing, of December 15, 2008 states: "It is the policy of the City to: 1. Encourage development of adequate housing for residents of Bandon in order to meet their needs and in order to provide security and enjoyment." (Page 35 of 327)

Long-term rentals are in demand and waiting lists are not uncommon. The purchase price of affordable housing continues to increase. Long-term rentals converted to VRDs only increases the demand for affordable housing. Flip flop investing and new construction become tools for the Vacation Rental Investor. This negative effect of VRDs on the workforce and the retired who have chosen Bandon as the place to live and enjoy the benefits of living in a small coastal town is demonstrated in the approval of 2967 Spinnaker Avenue as a VRD. This matter was addressed (and presented in written form) at the September 28, 2017 Planning Commission meeting, and is reiterated here as another reason the home at 2967 Spinnaker should not have been approved for a CUP, and as a VRD. If it were a long-term rental, it would help alleviate some of the effects of the housing shortage in Bandon.

Webster's New Explorer Encyclopedic Dictionary, page 639 states the definition of "EXIST:

1(a) to have real being whether material or spiritual

1(b) to have being in a specified place."

WordNet Dictionary: "EXISTING – having existence or being or actuality."

The building at 2967 Spinnaker has never been an "existing" single-family dwelling. It has never been occupied at all. In fact, the owner applied for a Conditional Use Permit for a VRD for his building on July 21, 2017, before he had ever received his Certificate of Occupancy (page 1 of the Staff Report for the Planning Commission meeting September 18, 2017, referred to above). In fact, the C of O could not be reviewed because the property did not constitute an "existing single-family detached dwelling" (page 2 Staff Report). While not proof, his premature application appears to be a clear indication that he had no intention of occupying the home. The owner received the Certificate of Occupancy on August 17, 2017.

By the action of four of the seven Planning Commissioners, they have set a precedent. Now, because of their approval, anyone can come into Bandon and

build a VRD, and cite the Planning Commission's acceptance on September 28, 2017 as proof that Bandon allows the construction of purpose-built VRDS that do not need to be single-family dwellings before they can be approved. This was not the intention when the Municipal Code was written, because they specified that it be an EXISTING single-family dwelling. If this were not the intention of the City, it would have been written in another way.

To the knowledge of the appellants in this case, there has never been a purpose-built, never occupied VRD in Bandon until now. The Staff Report referred to above notes the same idea: "It appears that this may be one of the first single-family dwellings purposefully constructed to be a VRD without serving as a primary residence." (page 4)

The dwelling at 2967 Spinnaker fails to meet the specific conditions of:

- I. Title 17 – Chapter 17.20 – Controlled Development 1 Zone
Section 17.20.010 –
And
Title 17- Chapter 17.92.040 – Approval Standards for Conditional Uses

The building is incompatible with the surrounding neighborhood for the reasons stated above on pages 2 and 3.

- II. Title 17 – Section 17.92.090 – Standards for Governing Conditional Uses
Letter K – Vacation Rental Dwellings, page 82 of 141 of BMC codified 10/04/09

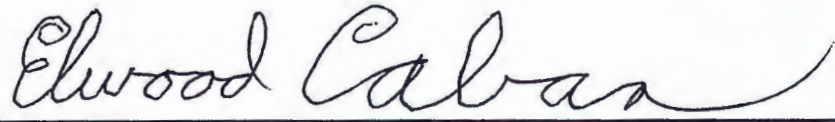
The building has never been an existing single-family dwelling as is specified in the BMC. Yes, the building exists, but it has never been a single-family dwelling. See pages 3, 4 and 5.

We respectfully request that the City Council make a motion on its own volition, to address the problems stated herein, and if the Council chooses not to, we request that the Council overturn the Planning Commission's approval of the subject property as a VRD. Please note that the vote by the Planning Commission was very close. One of the Commissioners stated at the October 26, 2017 meeting that he had been on the fence all that evening [September 28, 2017 meeting] and if it had gone on five more minutes, he probably would have voted against [the CUP for the VRD] – a clear indication that this is not a matter of checking all the boxes.

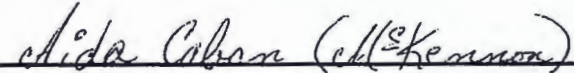
We believe that the Planning Commission is going to be discussing at their November meeting the definition of the word "existing" and spelling out how long it needs to be a single-family dwelling before it can be converted to a VRD under a Conditional Use Permit. We hope that they will be ready to present this to you at the December or January meeting of the City Council, and we urge you to

seriously consider, and perhaps to allow changes to the wording in the Municipal Code to clarify the parameters for VRDs for the future.

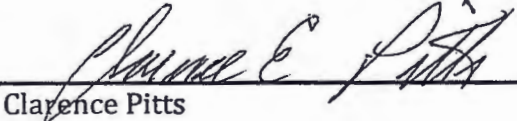
Thank you for your consideration in this matter.




Elwood Caban



Aida Caban



Clarence Pitts



Alexis Proctor

CITY OF BANDON
PO BOX 67
555 HIGHWAY 101
BANDON OR 97411

541-347-2437

Receipt No: 9.038087

Nov 6, 2017

PROCTOR, ALEXIS

Previous Balance: .00
MISC
FEE FOR APPEAL 375.00
100-489-00
OTHER

Total: 375.00

CHECK
Check No: 1713 375.00
Payor:
PROCTOR, ALEXIS
Total Applied: 375.00

Change Tendered: .00

11/06/2017 2:03 PM

Alexis Proctor

0530

541-329-

ITEM 4.1.5

October 27, 2017: Notice
of Decision



NOTICE OF DECISION

of the Bandon Planning Commission

CITY OF BANDON PLANNING
P.O. BOX 67
555 HWY 101
BANDON, OR 97411
P:(541) 347-2437
F:(541)347-1415

DATE OF MAILING: October 27, 2017

APPEAL DEADLINE: **November 6, 2017; 5PM**

REGARDING: CUP 17-089 for 2967 Spinnaker Dr. SW; Consideration of a Conditional Use Permit to use a newly built single family dwelling as a Vacation Rental Dwelling within the Controlled Development 1 Zone (CD-1).

APPLICANT: Bao Yi Gu

OWNER: Bao Yi Gu

On September 28, 2017 the Bandon Planning Commission **approved** a conditional use permit to allow the designation of a single family dwelling as a Vacation Rental Dwelling. The Planning Commission found that the proposal met the criteria listed in the Bandon Municipal Code (BMC), Title 17, chapter 17.92, 17.92.040 and 17.92.090 "k".

Materials concerning this decision, including the final order dated October 26, 2017, are available for review during the Planning Department's regular office hours of 8:30 a.m. to 3:00 p.m. Monday through Friday at Bandon City Hall located at 555 Hwy 101, Bandon, or copies may be purchased at Bandon City Hall..

This Planning Commission decision may be appealed to the City Council within 10 days from the date of this mailing. Appeals must be submitted in writing and all fees paid no later than **5 PM on Monday, November 6, 2017**. The written notice of appeal shall include all matters specifically appealed, including a brief summary of the material presented to the Planning Commission upon which the decision, which is being appealed, was based. Further, specific statutory citations supporting the appeal shall also be included. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City Council and relevant parties an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

If you would like to appeal this decision to the City Council, the following standards must be met and steps completed:

1) **Who may appeal?** The following people have legal standing to appeal: the applicant; any person who was mailed written notice of the original decision; or any other person who participated in the proceeding by submitting written comments.

2) **Notice of Appeal.** Any person with standing to appeal, as provided in Step 1, above, may appeal the decision by filing a Notice of Appeal according to the following requirements:

The Notice of Appeal shall contain:

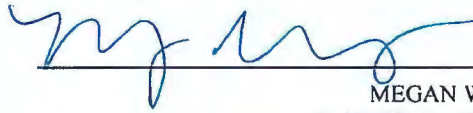
- An identification of the decision sought to be reviewed, including the name, site, location information and the date of the decision;
- A statement of the interest of the person seeking the review and that the individual was a party to the initial proceedings;
- The specific grounds upon which the review and appeal are being based. The criteria against which the appeal and review are being requested were addressed during the original determination.
- Payment of \$100 or half the original application fee, whichever is greater.

3) **Time for filing.** A Notice of Appeal, in the form of a business letter and stating the reasoning for the appeal based on the applicable criteria, shall be filed with the City Recorder within 10 calendar days from the date of the Planning Commission's decision was mailed.

If you need additional information or have questions about the appeals process, please contact the Planning Department at (541) 347-2437 or via e-mail at mworton@cityoffbandon.org.

AFFIDAVIT OF MAILING

**I, MEGAN WORTON, HEREBY DEPOSE AND SAY THAT I DID, ON 10/27/17
SEND A NOTICE OF PUBLIC HEARING FOR 2967 SPINNAKER DR. TO BE SEEN
BEFORE THE PLANNING COMMISSION, REGARDING A CONDITIONAL USE
PERMIT FOR VRD - FINAL NOTICE OF DECISION OF THE PLAN. COMM. , THAT
WAS DELIVERED TO THE UNITED STATES POST OFFICE AT BANDON, OREGON
ON 10/27/2017 FOR MAILING TO THE ATTACHED LIST OF PARTICIPANTS.**



MEGAN WORTON
PLANNING ASSISTANT

FOR: NOTICE OF PUBLIC HEARING: NOTICE OF DECISION 2967 SPINNAKER DR - GU VRD

ITEM 4.1.6

October 26, 2017:
Minutes

**REGULAR PLANNING COMMISSION MEETING
BANDON CITY HALL
OCTOBER 26, 2017**

COMMISSION:	<input checked="" type="checkbox"/> David Kimes, Chair	STAFF:	<input checked="" type="checkbox"/> John McLaughlin, Planning Director
	<input checked="" type="checkbox"/> Sheryl Bremmer, Vice-Chair		<input type="checkbox"/> Dana Nichols, City Planner
	<input checked="" type="checkbox"/> Daniel Graham, Commissioner		<input checked="" type="checkbox"/> Fred Carleton, City Attorney
	<input type="checkbox"/> David Reed, Commissioner		<input checked="" type="checkbox"/> Megan Worton, Planning Assistant
	<input checked="" type="checkbox"/> Harv Schubotho, Commissioner		
	<input checked="" type="checkbox"/> Blythe Tiffany, Commissioner		
	<input checked="" type="checkbox"/> Gerald Slothower, Commissioner		

1.0 ROLL CALL

Roll call was taken with those present and absent reflected above.

2.0 CONSENT AGENDA

Kimes asked for a motion to approve the consent agenda. Tiffany stated that she would not be voting in favor of the consent agenda as she does not support the approval of the Findings of Fact. McLaughlin and Carleton asked that both items be voted on separately, in this case, so that the minutes may be approved.

Bremmer moved to approve the minutes from the September 28, 2017 Planning Commission meeting, Schubotho seconded. The minutes were approved 6-0 with no additions or corrections.

Graham motioned to approve the Findings of Fact from the September 28, 2017 Planning Commission meeting, Schubotho seconded. The Findings were approved 4-2.

3.0 PUBLIC COMMENT

Nancy Evans, 1057 Lincoln Ave. SW, Bandon OR 97411

Evans distributed copies of an article titled "How to be a leader: Be like Albert Einstein and embrace your ignorance" written by Jeff Stibel, published in a USA Today magazine in October 2017. Evans emphasized the relevance of the article to the Planning Commissioners and offered her leadership services to the Commission at a later meeting date. Evans reminded the Commission that planning in Oregon is based on public involvement.

John Costa, 859 Chicago SE, Bandon OR 97411

Costa requested the City take precautionary measures to prevent future health hazards. Costa requested a comprehensive plan update to include cell tower placement and distributed a handout providing information for the documentary "Full Signal" by Talal Jabari, which is available online and at the Bandon Library.

4.0 ACTION/DISCUSSION

4.1 Conditional Use Permit – 1337 Beach Loop Dr. – To designate an existing single family dwelling as a Vacation Rental Dwelling, on property zoned CD-1 in the City of Bandon.

Kimes opened the hearing at 7:13 pm for the application of a Conditional Use Permit to designate an existing Single Family Dwelling as a Vacation Rental Dwelling, on property zoned CD-1 in the City of Bandon. The rules and procedures that govern the hearing are available as part of the meeting file.

ITEM 4.1.7

October 26, 2017:
Findings of Fact

**CITY OF BANDON
FINDINGS OF FACT AND DECISION
OF THE CITY OF BANDON
PLANNING COMMISSION**



FILE NUMBER: CUP 17-089
LOCATION: 2967 Spinnaker Drive SW
28S-15W-36 CD, TL 612

APPLICANT: Bao Yi Gu

PROPERTY OWNER: Bao Yi Gu
15745 SE 25th Street
Bellevue, WA 98008

REQUEST: A **conditional use permit** to use a newly built single-family dwelling as a Vacation Rental Dwelling within the Controlled Development 1 (CD-1) Zone.

STAFF REVIEWER: Dana Nichols, City Planner (541) 347-2437

HEARING DATE: September 28th, 2017

RECORD CLOSED: September 28th, 2017

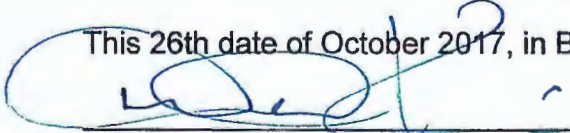
DECISION: **APPROVED**

Ayes: Chair Kimes, Commissioners Graham, Schubothe, and Slothower.

Nays: Vice-Chair Bremmer, Commissioners Reed and Tiffany

**APPROVAL OF
FINDINGS OF FACT
AND DECISION:** October 26th, 2017

SIGNED: This 26th date of October 2017, in Bandon, Oregon



David Kimes, Chair

Chair:
David Kimes

Commissioners:
Sheryl Bremmer
Daniel Graham
David Reed
Harve Schubothe
Blythe Tiffany

RECOMMENDATION

- A. Summary:** The applicant is requesting to be allowed to use a newly built dwelling a Vacation Rental Dwelling (VRD). This is a permitted use within the zone through the Conditional Use process.
- B. Existing Conditions:** The property is approximately 0.3 acres. A two story single-family dwelling with an attached garage was built on the property and issued a Certificate of Occupancy on August 17th, 2017.

The home has five rooms that are either considered bedrooms in the plans, or could otherwise be classified as bedrooms (closet and window), and three bathrooms. There is a two-car garage, covered porch, and attic.

The Planning Commission finds that the applicant has met the criteria to allow for the conditional use of a Vacation Rental Dwelling. The Planning Commission approves of the application as submitted and requests the conditions listed at the end of the staff report become a part of the approval criteria.

CITY OF BANDON MUNICIPAL CODE

I. APPLICABLE STANDARDS AND CRITERIA:

A. Title 17 - Chapter 17. 92 - Conditional Uses

- | | |
|--|---|
| 1. Section 17.92.010
Authorization to grant or deny conditional uses. | 6. Section 17.92.060
Application for a conditional use |
| 2. Section 17.92.020
Authorization to impose conditions | 7. Section 17.92.090
Standards governing conditional uses |
| 3. Section 17.92.030
Existing Uses | 8. Section 17.92.100
Time limits on meeting physical improvement requirements and conditions |
| 4. Section 17.92.040
Approval Standards for conditional uses | 9. Section 17.92.110
Violation of Conditions |
| 5. Section 17.92.050
Conditional use cannot grant variances | |

II. FINDINGS OF FACT:

1. **Location:** The property is a newly built single-family dwelling on the east side of Spinnaker Drive SW, the second property north of Seabird Drive. The property, 2967 Spinnaker Drive SW, is Tax Lot 612 of Map 28-15-36CD, and encompasses 13,530 square feet.
2. **Zoning and Plan Designation:** The subject property is zoned Controlled Development-1 (CD-1). The 1991 Comprehensive Plan land use classification for the subject property is Controlled Development Area (CDA). The purpose for this area is: "intended to recognize the scenic and unique quality of Bandon's ocean front and view areas and to maintain the quality of Bandon's ocean front by carefully controlling the nature and scale of future development in the area. It is intended that a mix of uses would be permitted, including residential, tourist commercial, and recreational. Future development is to be controlled in order to enhance the area's unique qualities."
3. **Site Description:** The property is located on the east side of Spinnaker Drive SW, two parcels north of Seabird Drive. The property is approximately 0.3 acres, with the western side of the property (123' in length) facing the street. The lot is larger than others in the area due to a lot line adjustment that occurred in 2003 that added approximately 30' of frontage to the property. The property includes a portion of a storm water detention area on the southern end, about 35 feet in width.
4. **Surrounding Zoning and Land Uses:** All properties surrounding the subject property are zoned CD-1.
5. **Proposal:** The applicant is requesting to be allowed to use the single-family dwelling located on the subject property as a Vacation Rental Dwelling.
6. **Public Notice and Comments:** Public Notices were distributed in accordance with Chapter 17.120.

III. CONCLUSIONARY FINDINGS:

A. Title 16 - Chapter 16.42 - Definitions

As used in Title 16 and Title 17, the following words and phrases, unless the context otherwise requires, shall mean:

Vacation Rental Dwelling (VRD): means an existing single-family detached dwelling that is rented, or is available for rent (whether advertised or not), for a period of less than one month to a family, group or individual. A VRD is considered a commercial use.

FINDING: This term will be used when deliberating the proposed application.

B. Title 17 - Chapter 17.92. – Conditional Uses.

GU
28S-15W-36 CD, TL 612
Conditional Use - VRD
2967 Spinnaker Drive SW

1) 17.92.010 Authorization to grant or deny conditional uses.

Conditional uses are those which may be appropriate, desirable, convenient or necessary in the zoning district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Applications for uses designated in this title as conditional uses may be granted, granted with modifications or denied by the planning commission in accordance with the standards and procedures set forth in this chapter.

FINDING: Vacation Rental Dwellings are listed as a conditional use in the CD-1 Zone. The Planning Commission has the authority to act on this application and may impose conditions that are appropriate for this request and therefore **The Planning Commission finds** this criterion has been met.

2) 17.92.020 Authorization to impose conditions.

In approving an application for a conditional use or the modification an existing and functioning conditional use, the city may impose, in addition to those standards and requirements expressly specified by this title, any additional conditions which the city considers necessary to assure that the use is compatible with other uses in the vicinity and to protect the city as a whole. These conditions may include but are not limited to:

- A. Changing the required lot size or yard dimensions;
- B. Limiting the height of the building(s);
- C. Controlling the location and number of vehicle access points;
- D. Requiring additional right-of-way areas or changing the street width;
- E. Requiring public improvements, including, but not limited to streets, sidewalks, sewer and water line extensions, and bike paths;
- F. Changing the number of off-street parking and loading spaces required;
- G. Limiting the number, size and location of signs;
- H. Requiring diking, fencing, screening or landscaping to protect adjacent or nearby property;
- I. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;
- J. Limiting the hours, days, place and manner of operations;
- K. Limiting or setting standards for the location and intensity of outdoor lighting;
- L. Setting requirements on the number, size, location, height and lighting of signs;
- M. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.

FINDING: Items A through F, H- J, and M were addressed during the original development review for siting of the single family dwelling and therefore, **the Planning Commission finds** these criteria are not applicable to this request.

Criteria G: Chapter 17.20.050 regulates signs for VRDs. VRDs are only allowed to have one sign no more than two square feet in area. This will be placed as a condition

for approval and therefore **the Planning Commission finds** this criterion has been met.

Criteria K and L: No additional outdoor lighting, other than what is already in place, should be allowed, especially any additional lighting that will impact neighboring properties or directed west or skyward.

This will be placed as a condition for approval and therefore **the Planning Commission finds** this criterion has been met.

3) 17.92.030 Existing uses.

In the case of a use existing prior to the effective date of the ordinance codified in this title and which is classified in this title as a conditional use, any alteration of the structure shall conform to the requirements dealing with conditional uses.

FINDING: The Planning Commission finds this criterion is not applicable.

4) 17.92.040 Approval standards for conditional uses.

The approval of all conditional uses shall be consistent with:

- A. The comprehensive plan;
- B. The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;
- C. That the site size and dimensions provide adequate area for the needs of the proposed use;
- D. That the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses;
- E. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;
- F. All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant;
- G. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;
- H. All other requirements of this title that apply.

FINDING:

Criteria A: The Comprehensive Plan states, "The south Jetty and the bluff contain the most unique and attractive areas for residential, tourist commercial, and recreation within the city. These areas have been zoned for 'Controlled Development', in which only one and two family dwellings are permitted outright, and then only under rather strict conditions. There are a variety of conditional uses which may be permitted by the Planning Commission, providing additional specified conditions are met. The intent is to control future development in order to enhance

the area's unique qualities." Vacation Rental Dwellings are, by definition, a commercial use. Because they are rented for less than 30 days, VRDs are used for tourist and recreational activities. **The Planning Commission finds** this request is consistent with the Comprehensive Plan and therefore meets this criterion.

Criteria B, C and D: The dimensional standards, site size and dimensions were approved when the existing dwelling was built and therefore **the Planning Commission finds** these criteria have been met.

Criteria E: **The Planning Commission finds** the characteristics of the site are suitable for the proposed use and therefore this criterion has been met.

Criteria F: The subject property and existing dwelling have adequate public facilities for the requested use and therefore **the Planning Commission finds** this criterion has been met.

Criteria G: **The Planning Commission finds** this request will not alter the characteristic of the existing neighborhood and substantially limit or preclude the use of surrounding properties to be used as residences and therefore this criterion has been met.

Criteria H: All other applicable requirements of this title will apply and therefore **the Planning Commission finds** this criterion has been met.

5) 17.92.050 Conditional use cannot grant variances.

A conditional use permit shall not grant variances to the regulations otherwise prescribed by this title. A variance application may be filed in conjunction with the conditional use permit by filing an application with the city using forms prescribed for that purpose.

FINDING: The applicant is not requesting a variance and therefore no variance will be granted by this request. **The Planning Commission finds** this criterion has been met.

6) 17.92.060 Application for a conditional use.

The applicant for a conditional use permit shall be the recorded owner of the property or an agent authorized in writing by the owner. They may initiate a request for a conditional use permit or the modification of an existing, functioning conditional use permit by filing an application with the city using forms prescribed for that purpose.

In addition, the following shall be supplied by the applicant:

A. Twelve (12) copies of the site development plan(s) drawn to scale and necessary data or narrative which explains how the development conforms to the standards;

- B. The required fee;
- C. The conditional use plan, data and narrative shall include the following:
 - 1. Existing site conditions,
 - 2. A site plan for all proposed improvements,
 - 3. A grading plan,
 - 4. A landscape plan,
 - 5. Architectural elevations of all structures,
 - 6. A sign plan,
 - 7. A copy of all existing and proposed restrictions or covenants;
- D. In the case where any or all of the above are unnecessary, as in the case of a change of use in an existing structure, the planning director shall determine which items in subsection (C)(1) through (7) of this section will not be required for application. The planning commission may request additional items if they determine that these additional items are necessary to understand and make a decision on the application.

FINDING:

Criteria A – D: The applicant has submitted copies of the original site development plan and the required fee. The applicant has submitted a narrative to both the conditional use application and the VRD requirements. Items 1-7 in Section C have either been submitted with this application or were submitted with the original site review plan with the exception of a sign plan. The sign plan will be approved through Chapter 17.20.050 as previously mentioned in this staff report. **The Planning Commission finds** these criteria have been met.

7) 17.92.090 Standards governing conditional uses.

A conditional use shall comply with the standards and purpose of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

D. Signs: In the case of a conditional use, the planning commission may permit the sign limitations of a zone to be exceeded to allow one indirectly illuminated sign or non-illuminated sign, not more than six square feet in area, on each side of a structure abutting a street. In addition, a church may have a bulletin board not exceeding ten (10) square feet in area. A sign shall pertain to the conditional use and may be permitted in required yards.

FINDING:

Criteria D: The applicant has not submitted a request for signage and the rental agency has stated there are no plans for a sign. Staff is recommending, as a condition of approval, signage must conform to Chapter 17.20.050 if ever erected. Because this is primarily a residential zone, no exceptions to Chapter 17.20.050 should be granted in keeping a more residential appearance for the conditional use.

K. Vacation Rental Dwellings. Vacation Rental Dwellings are a conditional use in the CD-1 and CD-2 and CD-3 zones, and are subject to the

requirements of this chapter. A dwelling may only be eligible for VRD status provided that less than 30% of the dwellings on property within 250 feet of the subject property are VRD's.

FINDING: There are twenty-two (22) single-family dwellings within 250' of the subject property and one (1) VRD within the noticing area. **The Planning Commission finds** the subject dwelling is eligible for VRD status as requested.

All vacation rental dwellings shall comply with the following provisions:

1. No more objectionable noise, smoke, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;

FINDING: The applicant has stated that in addition to regular trash to prevent unwanted odors, a property manager will be available to monitor the property. This will be listed as a condition of approval and therefore **the Planning Commission finds** this criterion has been met.

2. VRDs without private beach access have written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points will be taken;

FINDING: Directions to public beach access will be provided to guests within the house. **The Planning Commission finds** this criterion has been met.

3. VRDs using a joint access driveway shall assure that any other private access does not object to the proposed vacation rental dwelling using the private access;

FINDING: **The Planning Commission finds** the subject property does not have a joint access driveway and therefore this criterion is not applicable.

4. Dwellings will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;

FINDING: The property has been designed with a low maintenance yard with crushed rock and mulch. The property manager will be responsible to monitor the exterior maintenance. This will be a condition of approval and therefore **the Planning Commission finds** this criterion has been met.

5. VRDs shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces.

FINDING: The property contains a driveway and garage, which has the capacity for five off-street parking spaces. Based on the applicant's submitted information **the Planning Commission finds** this criterion has been met.

6. There are provisions for regular garbage removal from the premises;
FINDING: The property owner has contracted with a local service to provide trash pickup and therefore **the Planning Commission finds** this criterion has been met.

7. There shall be a designated local management person immediately available to handle complaints and problems as they arise. The name and contact information of the designated local management person shall be kept on file in the Police Department.

FINDING: The designated local management person for the property is Bandon Beach Vacation Properties, LLC and therefore **the Planning Commission finds** this criterion has been met.

8. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done.

FINDING: The property owner has stated that this service is provided by Bandon Beach Vacation Properties, LLC. The applicant will be required to comply with all reporting and accounting requirements of the transient occupancy tax ordinance and therefore **the Planning Commission finds** this criterion has been met.

9. If the VRD activity ceases for a period of one year, as determined by the transient occupancy tax receipts, the VRD permit becomes null and void with no further proceedings.

FINDING: **The Planning Commission finds** this criterion is not applicable until such time that the applicant fails to meet the requirements of the above criteria or ceases the VRD activity for a period of one year in which case the VRD permit will become null and void.

10. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people.

FINDING: Staff has determined there are three listed bedrooms in addition to a den and an office, which may be considered bedrooms, and therefore this dwelling could accommodate up to 10 individuals. Bandon Beach Vacation Properties, LLC has stated that only eight people will be allowed in the vacation rental. A condition of approval will be added that maximum allowed occupancy for this dwelling will be eight (8) people and therefore **the Planning Commission finds** this criterion has been met.

8. 17.92.100 Time limitation

A. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.

B. The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title.

C. A conditional use permit shall become void if the use is discontinued for a period of one year.

FINDING:

Criteria A and B: The request to be allowed to use the subject property as a VRD will be an ongoing activity and therefore **the Planning Commission finds** these criteria are not applicable to this request.

Criteria C: **The Planning Commission finds** this criterion is not applicable until such time the applicant fails to meet any of the conditions as specified in Criteria 17.92.090 (K)(8) and (9).

9. 17.92.110 Violation of conditions

The Planning Commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Sections 17.120.080 through 17.120.160. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.

FINDING: If the applicant fails to meet or adhere to any of the conditions placed on this application the Planning Commission has the authority to revoke the conditional use permit for allowing the dwelling to be used as a VRD. In the event a violation to the Conditional Use occurs, the Planning Commission should request staff to proceed with the public hearing process and to give proper notice as required by Sections 17.120.080 through 17.120.160. The City also reserves the right and has the authority to prosecute any violation of this conditional use permit as allowed by the Bandon Municipal Code.

CONDITIONS OF APPROVAL

The Planning Commission recommends placing the following conditions of approval on this application:

1. That the plans submitted in this Conditional Use Permit shall be in substantial conformance with status as a Vacation Rental Dwelling.
2. Renters of the home will be courteous to the surrounding neighbors, keeping a watch on children outside of the home and keeping exterior noise down.
3. All signage placed on the subject property must meet the requirements of Chapter 17.20.050.

4. No additional outdoor lighting, other than what is already in place, will be allowed. Lighting that will negatively impact neighboring properties or directed west or skyward is prohibited.
5. Written notification must be provided to renters of the home informing them where the nearest public beach access point is located and the need to use the public beach access and not cross over any fore dunes or private property in order to access the beach.
6. Written notification must be provided to renters of the home informing them that vehicles owned or operated by individuals renting the VRD, or visitors to the VRD, shall not park on the City street or on the unimproved portion of the City right-of-way. This includes the dirt lot to the north of the driveway.
7. Written notification must be provided to renters of the subject property informing them of the property owner and/or designated local management person, with phone number, immediately available to handle complaints and problems as they arise.
8. The maximum occupancy of the VRD is eight (8) people. Written notification must be provided to renters of the subject property informing them of the maximum allowed occupancy.
9. Written notification must be provided to renters of the home informing them that no pets are allowed. Also, all dogs must be kept on a leash per City code.
10. Written notification regarding tsunami evacuation routes and supporting emergency information must be provided to renters of the home.
11. The name and contact information of the property owner and/or designated local management person shall be kept on file in the Police Department. Any changes in this information must be updated with the Police Department.
12. The dwelling and landscaping must be maintained at or above the level of surrounding dwellings in the neighborhood.
13. Garbage shall be removed from the premises on a regular basis.
14. The applicant is required to file all reporting and accounting requirements of the transient occupancy tax ordinance.
15. Maximum off-street parking be limited to five vehicles at any time.
16. Any violation of conditions of approval may cause the Planning Commission to hold a Public Hearing to consider revoking the Conditional Use.
17. The City has the right and authority to prosecute any violation of the conditions of approval as allowed by the Bandon Municipal Code.
18. All other City, State, and Federal rules and regulations must be adhered to.

ITEM 4.1.8

September 28, 2017:
Minutes

**REGULAR PLANNING COMMISSION MEETING
BANDON CITY HALL
SEPTEMBER 28, 2017**

COMMISSION: David Kimes, Chair
 Sheryl Bremmer, Vice-Chair
 Daniel Graham, Commissioner
 David Reed, Commissioner
 Harv Schubothe, Commissioner
 Blythe Tiffany, Commissioner
 Gerald Slothower, Commissioner

STAFF: John McLaughlin, Planning Director
 Dana Nichols, City Planner
 Fred Carleton, City Attorney
 Megan Worton, Planning Assistant

1.0 ROLL CALL

Roll call was taken with those present and absent reflected above.

2.0 CONSENT AGENDA

Graham asked staff for an update on the traffic study requested previously for Highway 101, Beach Loop, and Seabird Drive. McLaughlin stated that staff is working on this and it will become available as the ODOT/ Road Conversion discussion continues.

Tiffany moved to approve the consent agenda, Bremmer seconded. The consent agenda was approved 7-0 with no additions or corrections.

3.0 PUBLIC COMMENT

Darlene Engebretsen, 1130 Baltimore Ave SE, #12A

Engebretsen requested the Planning Commission work with the School Board to remove the cell phone tower that is currently located on elementary school property due to radiation health and safety concerns.

Calvin Schwen, 1130 Baltimore Ave SE, #12A

Schwen supported Engebretsen's request and described the damaging effects of cell phone radiation in relation to cell phone use.

John Costa, 859 Chicago SE, Bandon OR 97411

Costa requested the City take precautionary measures to prevent future health hazards for our school-aged children, and proposed that future towers be placed no less than 500 meters from public places. Costa presented a letter written by Dr. John Morgan to notify the public of the damaging effects of cell phone tower radiation, based on his professional studies and opinion. Bremmer asked if the School Board was made aware of these concerns, Costa replied that the School Board was made aware several years ago, and has become increasingly more supportive in recent months.

4.0 ACTION/DISCUSSION

4.1 Conditional Use Permit – 2967 Spinnaker Dr. – To designate an existing single family dwelling as a Vacation Rental Dwelling, on property zoned CD-1 in the City of Bandon.

Kimes opened the hearing at 7:13pm for the application of a Conditional Use Permit to designate an existing Single Family Dwelling as a Vacation Rental Dwelling, on property zoned CD-1 in the City of Bandon. The rules and procedures that govern the hearing are available as part of the meeting file.

Disclosures:

Kimes shared his previous involvement with the property and applicant as Code Compliance Officer for the City of Bandon, but stated that his experience would not influence his decision.

McLaughlin informed the Commission that he will be renting the home located directly behind the subject property; therefore, Nichols and Carleton will be handling the agenda item and addressing any questions that may arise.

Staff Report:

With a PowerPoint presentation, Nichols provided a description of the property and home, discussed the staff report and described the history of the property from its original Plan Review and Zoning Compliance approval in the fall of 2016, to the intake of the Conditional Use Permit application in July 2017. Nichols elaborated on topics such as neighborhood compatibility, drainage concerns, and stressed the potential negative impact of the VRD on the neighborhood; issues that the applicant failed to adequately address in the Conditional Use Application. Nichols concluded that the Commission should weigh the applicable criteria heavily. Should the CUP be approved, staff recommended imposing the 17 conditions of approval listed in the staff report on the VRD.

Graham asked whether any provisions had been made in the original Plan Review and Zoning Compliance applications to address neighborhood compatibility, drainage and retention. Carleton clarified that no such provisions could have been imposed, as they would have been discretionary decisions which exceed the authority of the Hearing's Officer and City Staff. Graham asked if other homes utilize the storm water retention basin that the home impacts, Nichols and Carleton explained that the basin serves many properties in the area and was the subject of a previously addressed legal matter. Graham asked why drainage would be a considering factor for the CUP application, Nichols explained that it is included as a part of the history and make-up of the property.

Reed asked why the Staff Report lists only three bedrooms in the home, while the floor plan shows potentially five. Nichols stated that the applicant only listed three bedrooms in the application.

Testimony:

Dave Schradieck, 87190 Jupiter, Bandon OR 97411

Schradieck spoke on behalf of the applicant and read a letter that the applicant provided and distributed several documents, disputing the size of the home and neighborhood compatibility, questioning the large impact of the Ocean Trails subdivision traffic on the existing neighborhood, and outlining the rules and requirements potential guests would be subject to as clients of his successful Vacation Rental Property Management business. Graham asked if the applicant would agree to all of Schradieck's presented rules and requirements, should the application be approved, Schradieck stated that the applicant would be happy to comply. Schradieck suggested that the applicant's cultural differences may have been a factor in any miscommunication or misrepresentation that occurred during the building of the subject property's home, but emphasized that the home meets all requirements as presented in the Bandon Municipal Code, as a VRD the home will be subject to more stringent upkeep and monitoring than a standard residence, and that the applicant is willing to comply with any conditions of approval deemed necessary to move forward with his plans. Slothower identified an error in the staff report regarding the expiration of Conditional Use Permits, Graham and Kimes clarified the code and the error was noted.

Maureen O'neil, 2927 Ruby Ct. Bandon OR 97411

O'neil read her previously submitted letter of support.

Elwood Caban, 2991 Spinnaker, Bandon OR 97411

Mr. Caban read his previously submitted letter of opposition and described the drainage issues he has faced as a property owner in the subject property's subdivision. Graham asked Mr. Caban how long he has resided at his current address; Mr. Caban replied, six years. Mr. Caban asked Graham how drainage was engineered for the subdivision. Graham stated that he is personally unaware, but an engineer

would have designed the drainage plan for the subdivision, which is available in the Planning Department.

Aida Caban, 2991 Spinnaker, Bandon OR 97411

Mrs. Caban supported Mr. Caban's letter of opposition and clarified that the drainage basin located near the subject property that serves the whole subdivision is classified as a retention pond, not a detention pond. Graham stated that drainage was an issue previously addressed, as such, it is not criteria that impacts the Conditional Use Permit application.

Alexis Proctor, 2992 Ruby Ct, Bandon OR 97411

Proctor summarized her previously submitted letter of opposition, stating her belief that the applicant deceived the surrounding property owners from the beginning of his Plan Review and Zoning Compliance applications. Proctor stated that neighbors were made to believe the home would be used primarily as a residence, occupied by a single father and son, with no indication that it would be used as a large Vacation Rental Dwelling. Proctor discussed several issues that she would like to see the applicant address on the property as soon as possible, including gorse abatement and installing ADA compliant hand railings on the ramp/entry of the home. Reed asked why the neighbors thought that only a father and son would be living in the home. Proctor stated that the applicant's representative stated this in a previous meeting for a previous planning action. Proctor added that the holding pond near the Caban home and the subject property is a frequent flood hazard due to being plugged.

Clarence Pitts, 2958 Ruby Ct., Bandon OR 97411

Pitts spoke briefly about the prior wetland designation of the entire subdivision which contributes to the drainage issue, and read his previously submitted letter of opposition.

John Costa, 859 Chicago SE, Bandon OR 97411

Costa stated his opinion that people have the right to peace and quiet on their private property.

Deliberation:

Slothower asked for clarification about the recourse neighboring property owners have against Vacation Rental Dwellings. Kimes and Graham explained that a VRD's Conditional Use Permit may be revoked if the property owner violates the conditions of approval, in addition to the usual police recourse. Kimes closed the Public Hearing at 8:22pm.

Reed noted that the home is very large and out of proportion from the surrounding properties, and shared his opinion that building a home with the intention of operating it as an immediate Vacation Rental is an illegitimate way to build a relationship with the community.

Tiffany agreed with Reed and shared her concern of homes being built with the sole intent of becoming Vacation Rental Dwellings. Tiffany stated that approval of the VRD may set a dangerous precedent.

Bremmer agreed with Reed and Tiffany and described her experience with the applicant, the applicant's representatives, and the property, as the Hearing's Review Officer for the initial Plan Review required for the development of the home, through which the home was approved as a Single Family *Residence*. Bremmer highlighted the timeline of development in relation to the submission of the Conditional Use Permit application, noting that the application for VRD status was submitted before the home had been issued a Certificate of Occupancy, which is the determining factor of final development. Excerpts from Page 247 and 147 of the Comprehensive Plan were read to remind the Commission of their discretionary power when approving or denying Condition Use Permits, and the community's number one goal of guarding the scenic view by careful development of tourist facilities. Bremmer elaborated on the poor neighborhood compatibility of the home and alleged that the zone the property is located in is erroneously zoned, which contributes to many issues in the subject property's subdivision. Bremmer stated her opinion that the approval of the subject property as a VRD would negatively affect the surrounding neighborhood.

Graham shared some of the same concerns as Reed, Tiffany and Bremmer, but expressed his belief of a legal obligation to allow VRDs that meet all the requirements listed in the application.

Schubotho agreed with Graham and stated that currently the City has inadequate ordinances in place regarding Vacation Rental Dwellings.

Slothower disagreed with denying the application based on objections to theoretical problems, and stated that approval with recourse seems appropriate.

Kimes admitted his belief that the home is not compatible with the neighborhood, but stated that all conditions and criteria of the application have been met.

McLaughlin reminded the Commission that the applicant is seeking a Conditional Use Permit approval for a home that was approved and built in the CD-1 zone, the role of the Commission is to determine neighborhood compatibility.

The Commissioners debated the role of the Planning Commission and its discretionary powers. Nichols mentioned requiring the applicant to construct a fence, as a condition of approval, to eliminate some of the noise and privacy concerns brought forth by many neighbors. Fence height, property elevation, and required state permits for fences exceeding six feet were discussed.

Schubotho motioned to approve the application with conditions set forth in the staff report and applicant supplied "Comments of staff recommendations", Graham seconded the motion. A roll call vote was taken as reflected below:

Approved 4:3

Reed	No	Schubotho	Yes
Tiffany	No	Slothower	Yes
Bremmer	No	Kimes	Yes
Graham	Yes		

4.2 Measure 56 – Recreational Marijuana Ordinance

Kimes opened the Public Hearing at 9:10 pm for the ordinance amendment of recreational marijuana. The rules and procedures that govern the hearing are available as part of the meeting file.

Disclosures:

No Commissioner's declared ex parte.

Staff Report:

Nichols summarized the Staff Report and provided a timeline of the history of Marijuana Ordinances in the City of Bandon, providing background information on marijuana legalization status across the United States and within the State of Oregon. Staff recommended a Recreational Marijuana Ordinance similar to the existing Medical Marijuana Ordinance, limiting the location of retail sales to specific zones within a set radius of school property and Head start, noting an error in the Staff Report on page seven, letter "j" which was intended to be two separate points. Kimes stated that requiring 1,000 feet between marijuana retail spaces is a large radius, which may prevent business growth in Bandon. Nichols clarified that retailers commonly hold both licenses for medical and recreational marijuana sales, which allows businesses to market both products from one space. McLaughlin stated that the intent of the radius is to protect the community image, which was a concerning factor throughout the Medical Marijuana Ordinance process, but reminded the Commission that they have the power to change Staff's recommendations, as ultimately the Planning Commission's recommendation is what will be proposed to the City Council.

Testimony:

Isabel Marquez, 16209 W. Hoffeldt Ln., Brookings OR

Martinez shared her experience and knowledge of marijuana as a business owner, facing restrictive zoning and city ordinances in addition to stringent state and federal requirements. She explained the common practice of marketing both medical and recreational cannabis from one storefront, due to financial feasibility. Marquez stated that with only 51 lots available for cannabis sales, Bandon would essentially only be able to support three retailers, which would significantly impact the large stream of revenue the City could profit from. Slothower asked how many stores Bandon could support. Marquez replied that her research indicates that there are around 7,000 people in Bandon proper, which is more than enough to support more than one store. Bremmer asked what hours of operation would be considered normal for marijuana sales. Marquez stated that in her experience, hours of operation are 7 am-10 pm, but this is largely affected by the community in which the store is located. Specific to Bandon, Marquez stated that 8 pm seems like a reasonable closing time with earlier opening hours to accommodate the senior population. Slothower asked the reason for limiting hours of operation. McLaughlin explained the rationale of limiting hours may be to protect community values and image.

The hearing was closed by Kimes at 9:40 pm.

Deliberation:

Tiffany stated that without clear direction from the Council, the recommend ordinance seems fine.

Bremmer addressed the expeditious manner that the recreational marijuana item was sent to the Planning Commission by Council direction, and the history of Council decisions to overturn the Commission's decisions and previous recommendation regarding medical marijuana.

Graham stated his desire to recuse himself from the issue, but without having a true reason to be able to recuse, he wishes to abstain. Graham continued to participate in the hearing, stating that without clear direction from the Council and adequate research, the issue should not have been presented.

Schuboth shared his belief that the Council's Medical Marijuana Ordinance does not reflect the true feelings or desires of the community and stated that perhaps Marijuana as a whole should be more carefully researched prior to rushing through decisions.

McLaughlin reminded the Commissioners of their role and duty to make decisions for the good of the community as appointed members of the Commission.

Slothower wished to remove the 1,000 foot radius requirement and expand business hours. Kimes clarified that the 1,000 foot radius is the State minimum, but the City Council has imposed a 1,500 foot radius from school facilities and Head Start specific to Medical Marijuana. McLaughlin reiterated that the Council has asked the Commission to review the City's Medical Marijuana Ordinance and propose an updated ordinance considering recreational marijuana.

Tiffany clarified that the Commission wishes to make changes to letter G of the proposed ordinance provided in the Staff Report, removing the limit of eight hours of operation; changing letter K to letter L with the additional point in letter J being recognized; letter L changing to Letter M, and reducing the 1,000 foot radius from another retail sales outlet to 500 feet; the 1,500 foot radius from school property be reduced to the State minimum of 1,000 feet; and letter M be changed to letter N, and that all changes be reflected in the existing Medical Marijuana Ordinance. Bremmer discussed the controversial history of the Medical Marijuana Ordinance and the equally controversial inclusion of the Head Start facility as a school.

Bremmer moved to accept the proposed ordinance with the exception of: Letter "G", which shall be changed to "limiting hours of operation to between 8am-8pm"; "J" being broken into two points, changing letters K through M to L through N and designating the new letter "K" to read "Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated

with the business are prohibited.”; adjust the restrictive radius to 1,000 linear feet; remove completely the Head Start facility; and apply such changes to the existing Medical Marijuana Ordinance. Tiffany seconded the motion. A roll call vote was taken as reflected below:

Approved: 6:1

Reed	Yes	Schuboth	Yes
Tiffany	Yes	Slothower	Yes
Bremmer	Yes	Kimes	Yes
Graham	No		

5.0 DISCUSSION/OTHER

6.0 COMMISSIONER COMMENTS

Slothower thanked the room for a good discussion. Bremmer addressed a statement made in public testimony, alleging that the Planning Commission determines hearing outcomes prior to the Hearing. She emphasized that in her personal case, she does not make decisions until she has heard all public testimony, staff reports, and Commissioner comments. Tiffany requested that Staff and the Commission look into clarifying the existing code involving VRDs, specifically 17.92.090 Letter K. Kimes agreed with Tiffany and suggested adding a time limit to define ‘existing dwelling’, he shared that the 101 Redesign and Wayfinding issues from the previous meeting will be an ongoing discussion.

7.0 ADJOURN

Kimes adjourned the meeting at 10:10 p.m.

Minutes submitted by Megan Worton, Planning Assistant

ITEM 4.1.9

September 28, 2017:
Property Managers
Testimony and Binder
(excluding tourism maps)

September 26, 2017

Dear Dave and Eileen,

Please pass my thanks to the City and neighbors for taking the time to consider my application for vacation rental.

2 and half years ago, when driving along the west coast, we were attracted instantly by the beautiful Bandon Beach and attracted by the nice people we talked with. I told myself this would be an ideal location for retirement. While retirement would be more years to come, how could I enjoy the scenic view in the peaceful town before retirement?

We thought about buying an existing house, unfortunately we didn't find a suitable house which can be used as a vacation home yet affordable. That's why we started to consider building our dream home. Finally, we built a nice house which is even better than the one we are currently living in Seattle, because we truly want to move in ourselves after retirement. By the way, my parents loved this place a lot too.

We plan to use the house as often as we can every year until retirement. Our son loves the house! We plan to take him there during summer and Christmas breaks.

We invested a lot into the house. We are only thinking of sharing it with guests to help with the mortgage when we are not there.

Thanks Dave and Eileen.



Frank BaoYi Gu

425.628.3386

Frank's Place - General information

Please have the house empty by 11 A.M. so we can have the house ready for the next guests to arrive.

PLEASE REVIEW THE INFORMATION IN THE THREE RING BINDER.

It has important information & rules.

Frank's Place is not pet friendly, NO PETS ARE ALLOWED

- **Parking, You may only park in the garage and driveway. Do not park on the street or in the dirt lot to the north along the driveway.**
- Please: Be courteous of the surrounding neighbors, keep a watch on children inside and out and watch exterior noise levels. Do not allow children to jump on the furniture or beds.
- This house sleeps 8 people, this is also our maximum occupancy. That means there are to be no more than 8 people on this property or in our house. Failure to comply will result in us asking you to leave and your balance and security deposit will not be returned.
- Going to the beach please do not trespass or go through dune grass. Follow directions in 3-ring binder.
- Bedspreads: The bed comforters, pillow shams, etc are dry clean only. Please make sure nothing spillable is near them, if dry cleaning is needed to clean spots after your visit your deposit will be deducted the dry cleaning bill.
- Please clean up after yourself when you leave. When you leave, it is expected that you will have all of your dishes done and put away or have the dishwasher running. In addition, please **DO NOT** strip or remake the beds. Used towels should go in the laundry room.
- Please do not put grease down kitchen drain. Put grease in a tin can, provided under the sink, cover with foil, and put in the refrigerator.
- For your convenience, dishes and utensils have been washed. If you would like to further sanitize these items, there is dishwasher soap and anti bacterial cleaner under the kitchen sink.
- Supplies: We provide start off items to get you going but anything else you need may be purchased at one of our local stores. Starts up supplies provided are toilet paper, paper towels, dish soap, hand soap, shampoo, coffee & tea.
- Garbage Can is located in the garage, please bag all garbage. Someone will be by Monday to pull the trash can out. If you are not there we will enter the garage and pull it to the curb.
- You are responsible for taking care of this property your Credit card is on record and will be charged if damage or theft occurs.

Bandon Beach Vacation Properties, LLC reserves the right to remove guests without a refund if there are violations to our policies and or illegal activity.

541-347-4801

Bandon Beach Vacation Properties, LLC
541-347-4801



2967 Spinnaker Dr. SW

Billy
Smoothboars
Restaurant

Beach Access

Tish-a-Tang

Sea Bird Drive

Natalie Way

Beach Loop Road

Highway 101

From Highway 101 North or South: turn West onto Seabird, turn right at Spinnaker. House is the 2nd house on the right. It is .6 miles from 101 to Spinnaker going down Seabird.

Please do not park on dirt lot to the left of the house.

Frank GU House
2967 Spinnaker Dr. SW

Frank's Place - General information

Check-Out is at 11 A.M.

Please have the house empty by 11 A.M. so we can have the house ready for the next guests to arrive.

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- This house sleeps 8 people, this is also our maximum occupancy. That means there are to be no more than 8 people on this property or in our house. Failure to comply will result in us asking you to leave and your balance and security deposit will not be returned.
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- Please do not put grease down kitchen drain. Put grease in a tin can, provided under the sink, cover with foil, and put in the refrigerator.
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Bandon Beach Vacation Properties, LLC reserves the right to remove guests without a refund if there are violations to our policies and or illegal activity.

541-347-4801

Comments on staff recommendations

#2 We have no plans for advertising signs at this time.

#3 We have no plans for any other lighting.

#4 Beach instructions are in our 3 ring binder.

#5 Parking; Instructions to use the garage and driveway are provided in the initial confirmation packet we send out to every guest and in our three ring binder.

#6 Bandon Beach Vacation Properties, LLC has signs up by the phones and in the three ring binder providing our number and other emergency numbers.

#7 Occupancy is on web sites, brought up when reservation is made and posted in three ring binder.

#8 City dog leash code is in the three ring binder even though this house does not allow pets at this time.

#9 Tsunami info is in three ring binder.

#10 Bandon Beach Vacation Properties, LLC and the Bandon Police have good relations and communicate.

#11 The property was professionally landscaped and is as nice or nicer than most.

#12 We have a local trash service in place.

#13 VRD tax stuff is done by us timely and we manage over 20 other rentals. Often we call the city for the forms before we get them.

#15 max parking of 5 vehicles is fine.

Figure 4 Street view of neighborhood



This house is 2686 sqft.

ii.

Project Impact

The applicant is requesting to be allowed to use the existing single-family dwelling located on the subject property as a Vacation Rental Dwelling. All properties surrounding the subject property are zoned CD-1. Per section 17.92.090(K), "a dwelling may only be eligible for VRD status provided that it is an existing single-family detached dwelling". It appears that this may be one of the first single-family dwellings purposefully constructed to be a VRD without serving as a primary residence.

Further, this house is over 3,500 square feet (with impermeable surfaces totaling 4,767 square feet) on a lot that is 13,300 square feet. While this is permitted within the zone, this property is much different than the surrounding neighborhood. Other homes close by are 1,500-2,000 square feet on lots that are approximately half the size. While the home is stick built and of good quality, it is of a size and scale that is different from the surrounding neighborhood.

The home has five rooms that are either considered bedrooms in the plans, or could otherwise be classified as bedrooms (closet and window). While a vacation rental is limited to 10 occupants, this is still an increase in use for this neighborhood as there is only one other home within a 250' radius currently listed as a vacation rental dwelling. This may also cause issues with parking for the property. The applicant has not documented what the intended occupancy will be, or how many parking spaces will be needed.

Additionally, this property raises concerns with drainage. Public Works has required that all roof drains be plumbed to the street as concerns over the detention pond have come up in the past.



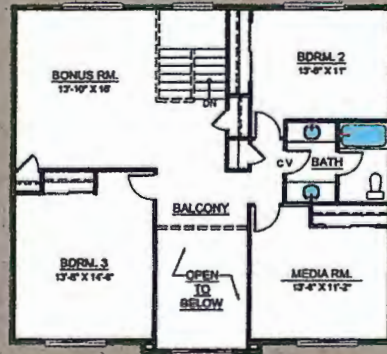
Plan | 2686

Living Area | 2686 sq ft

Bedrooms | 3 + Media Den Bonus

Baths | 2-1/2

2 Car Garage



Scale: 1/8" = 1'-0"



On Your Lot,
On Time, Built Right!
HILineHomes.com

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Several residents on this street abuse parking. This property is across the street and south a couple of houses.

The other day I drove around the north end of Spinnaker and entered into what is known as Ocean Trails. I found it to be a very nice looking subdivision.

After driving around I realized the only two ways in and out of the subdivision were to drive in and out of both Spinnaker and Lincoln.

I looked up the area at the county web site and found that there were over 120 parcels and about fifty of them had nice homes already built.

To me I would think this would have a huge impact on Spinnaker and Lincoln.

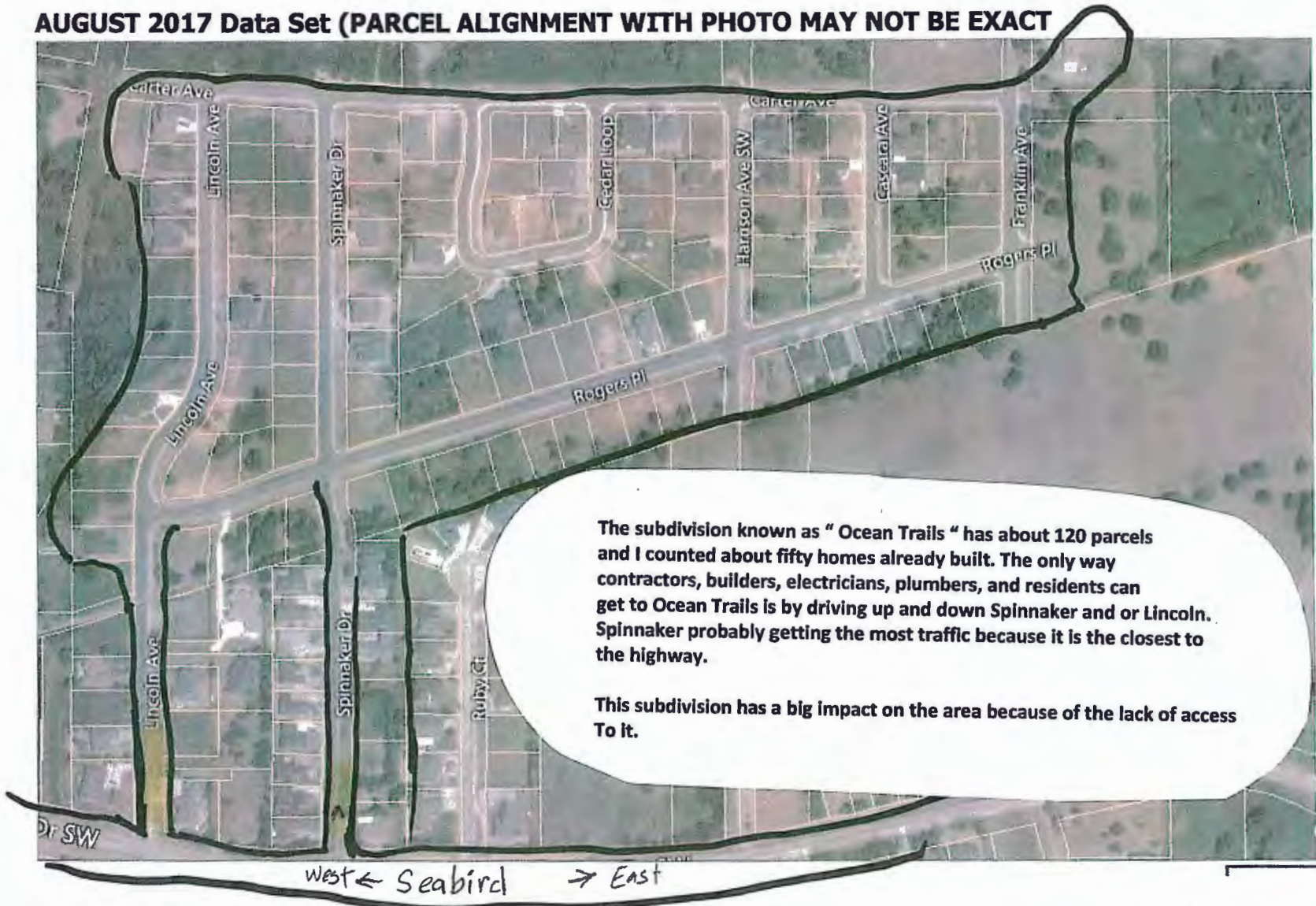
I see Frank's house as a quality stick built house that improves the area if anything.

Look at all the building going on. The economy is doing pretty good and it is exciting to see quality people wanting to retire here when they can.

From the plans I saw the house is 2686 square feet not over 3500 square feet.

Frank built a little nicer home because he wants to retire here someday.

AUGUST 2017 Data Set (PARCEL ALIGNMENT WITH PHOTO MAY NOT BE EXACT



The subdivision known as " Ocean Trails " has about 120 parcels and I counted about fifty homes already built. The only way contractors, builders, electricians, plumbers, and residents can get to Ocean Trails is by driving up and down Spinnaker and or Lincoln. Spinnaker probably getting the most traffic because it is the closest to the highway.

This subdivision has a big impact on the area because of the lack of access To it.

Welcome to “ Frank’s Place ”

Please take a minute to read the information in the binder, there is some important and helpful information in it.

Our General Rules, Wi-Fi codes and more are inside.

Thank you for staying at “ Frank’s Place ”.

Bandon Beach Vacation Properties, LLC

541-347-4801

***THIS IS POSTED BY ALL PHONES SO IF THERE IS AN
EMERGENCY A GUEST DOES NOT HAVE TO SCRAMBLE
AROUND TO FIGURE OUT WHERE THEY ARE!***

Frank's Place

You are staying at Frank's Place located at 2967 Spinnaker in Bandon OR 97411.

The phone number to this house is

Wi-Fi network is –

Password is –

Max occupancy is 8 people,

A color map regarding the Tsunami evacuation directions and flood plain directions to high ground is in the 3 ring binder on the counter.

Emergency Numbers:

Emergency	911
Bandon Beach Vacation Properties, LLC:	541-347-4801
Police dispatch	541-756-8212 / 541-347-2241
Sheriff:	541-756-8201
Coast Guard:	541-756-4141

**Bandon Beach Vacation Properties, LLC
87190 E. Jupiter Ln.
Bandon, OR 97411
541-347-4801**

***If there is an emergency you can call us 24 hours a day, 24/7
If you need help with something simple you can call 7 days a week 9-9.***

Frank's Place - General information

Check- Out is at 11 AM.

Please have the house empty by 11 A.M. so we can have the house ready for the next guests to arrive.

PLEASE REVIEW THE INFORMATION IN THE THREE RING BINDER.

It has important information & rules.

Frank's Place is not pet friendly, NO PETS ARE ALLOWED

- **Parking, You may only park in the garage and driveway. Do not park on the street or in the dirt lot to the north along the driveway.**
- **Please: Be courteous of the surrounding neighbors, keep a watch on children inside and out and watch exterior noise levels. Do not allow children to jump on the furniture or beds.**
- **This house sleeps 8 people, this is also our maximum occupancy. That means there are to be no more than 8 people on this property or in our house. Failure to comply will result in us asking you to leave and your balance and security deposit will not be returned.**
- **Going to the beach please do not trespass or go through dune grass. Follow directions in 3-ring binder.**
- **Bedspreads: They are provided for you. Nothing spillable is near them.** When a guest makes a reservation we send them a confirmation letter, along with the 1st cleaning fee confirmation letter we send the **General Information** sheet and a map to the house.
- **Please clean dishes & beds. Use** This is standard procedure and done to all properties we manage. This lets people know ahead of time what the ground rules are for the property they are staying at.
- **Please use foil, and** The **General Information** sheet is also in the three ring binder in the house with rules and helpful information as a constant reminder.
- **For your items, to** Our General Information letter covers what maximum occupancy means, identifies parking area and mentions noise levels.
- **Supplies: We** It also informs them of the penalty if our rules are not followed. **located at one of our local stores. Starts up supplies provided are toilet paper, paper towels, dish soap, hand soap, shampoo, coffee & tea.**
- **Garbage Can is located in the garage, please bag all garbage. Someone will be by Monday to pull the trash can out. If you are not there we will enter the garage and pull it to the curb.**
- **You are responsible for taking care of this property your Credit card is on record and will be charged if damage or theft occurs.**

Bandon Beach Vacation Properties, LLC reserves the right to remove guests without a refund if there are violations to our policies and or illegal activity.

541-347-4801

Frank's Place

You are staying at Frank's Place vacation rental located at 2967 Spinnaker in Bandon OR 97411.

The phone number to this house is

Wi-Fi network name is -

The password is -

This house sleeps 8 people and that is also our maximum occupancy as well. That means no more than 8 people are allowed on our property and in the house.

A color map regarding the Tsunami evacuation directions and flood plain directions to high ground is in the 3 ring binder on the counter.

No pets are allowed at Frank's Place but if you have a service animal or companion animal be advised that the City of Bandon has and enforces a dog leash law which requires all owners or keepers of dogs to control their dogs outside of their lodging unit by adequate leash, including while walking and visiting the beaches, except within the designated dog-off-leash area in City Park. The City of Bandon also requires immediate removal and proper disposal of all dog waste. The complete text of these regulations can be found in the Bandon Municipal Code, Title 6, which can be accessed on the City of Bandon website at www.ci.bandon.or.us. Violation is punishable by a maximum civil penalty of \$750.00 per occurrence.

If you are in the county it is best to abide by the rules too to prevent any problems. Thank you very much for your cooperation.

<u>Emergency Numbers:</u>	911
Bandon Beach Vacation Properties, LLC:	541-347-4801
Bandon PD:	541-347-2241
Sheriff:	541-756-8201
Coast Guard:	541-756-4141
City of Bandon	541-347-2437

Your hosts.

**Bandon Beach Vacation Properties, LLC
87190 E. Jupiter Ln.
Bandon, OR 97411
541-347-4801**

Directions to the beach.

Walking you turn right out of the driveway and walk to "Rogers Place". Turn left onto "Rogers Place" and walk to "Lincoln". Now turn left and use the walking trail on the right side that is marked with the city sign. Your total walk will be about $\frac{3}{4}$'s of a mile.

Driving you have more options.

Turn left out of the driveway and turn right onto Seabird, take this to Beach Loop. Turn right onto beach Loop and on the left will be a small gravel road and a dirt lot on the right (.3 mile) Park in the dirt lot and walk down the gravel road to the beach.

You can drive past here and go to Face Rock Wayside which will be on your left and is a total of 1.3 miles from the house. Here you will find parking and restrooms.

The next option is to turn left onto Beach Loop at the end of Seabird and driving a total of 1.3 miles this will take you to Devil's Kitchen state park. Here there is plenty of parking, restrooms and easy paths to the beach.

**We don't mean to be crabby
but do not cook crab in this
house.**

**Tony's Crab Shack on the docks will cook the crab that
you catch or buy!**

**When discarding crab remains please make sure it is
double bagged.**

Thank you for your help in keeping our property clean.



**Please de-sand yourself
before coming in the
house and take shoes
off by the front door.**

**Thank you for your
help in keeping our
property clean.**

ITEM 4.1.10

September 28, 2017:
Public Testimony

Reference: Planning Commission hearing 9/28/2017 decision approval of VRD Map 28-15-36 CD, Tax lot 612.

In accordance with Bandon Municipal Code, Title 17, SECTION k,(PAGE 82 OF141 codified 10/04-09), the above tax LOT 612 may fail to meet the requirements as written. Tax lot 605 is a VR located to the N.W. on Spinnaker . Has this been taken into consideration? If this VRD is within the limits it is requested that the evidence of the actual survey be made available for inspection to all interested parties.

It appears that the ownership of this property had intended for this to be VRD from initial plan approval, and once construction was completed owners could request designated as a VRD. It is my understanding that in order for the VRD to be requested that the dwelling has been awarded the certificate of occupancy.

Although legal this seems strange, and perhaps this was the original intent We came to live here and have no desire to have VRD's every two Hundred and fifty feet. Is this the standards that the City of Bandon desires or is the wild beast of growth unleashed!? Vacation Rentals provide income and create jobs for the service industries, cleaning , rental companies, contractors ect. The majority of these jobs barely meet minum wage and put bluntly provide cheap labor for the investor owners. and management companies.

Clarenc E. Pitts Ph# 541-347-4871

2958 Ruby Ct,

Bandon Ore. 97411

9/28/2017

CITY OF BANDON , PLANNING COMMISSION

Reference Property location Map28-15-36 CD, Tax Lot 612.

In regards to the application submitted by owners of above property to designate single family dwelling as

a vacation rental is not in the best interest or taking into consideration to existing residents in this neighborhood. The dwelling is a large two story (four bedroom 2 1/2 bath with 2700 square feet)? not the average fit for the street that it faces. The area has been growing as a mix of retired and non-retired with children of school age in the surrounding area. The neighborhood hardly reflects the highly sought vacation rentals lining Beach Loop or the Sun Set locations. Vacation rentals are a business!

Prior to the original approval for the construction of this residence it was understood by current residences that it would be a family home with children of school age. Taking into consideration the size of this structure it will be sought after by more than just a mother, father and three children. Vacation rentals of this size will attract large groups needing space for their reunions, wedding parties, golf, fishing groups, and those who just wish to party. This is not a good fit for this neighborhood, it is not Beach Loop or Sun City!

It is of further interest that the initial construction permit was issued to a Baoyi Gu. The request for vacation rental shows ownership of two, the above and a Hui Minb Zhao. This sounds like a partnership of some sort, not a family with school age children! Perhaps this location is not suitable for a vacation rental of this size!


Clarence E. Pitts Ph# 541-347-4871

2958 Ruby Ct.

Bandon,97411`

I believe that we the citizens of Spinnaker and Ruby Court have been **deceived**. We were led to believe that the owners were building a single-family residence and intended to live in it. Apparently, that was not their intention at all, since they have never moved into the home and have now applied for a permit to make it a Vacation Rental. On page 4 of planning department's report, it states, "It appears that this may be one of the first single-family dwellings purposefully constructed to be a VRD without serving as a primary residence." I think there should not be an exception made – it needs to be a single family residence, even if it means it is rented out long-term. We should not be making exceptions, particularly when the deception going in was that the owner and his son would live there, AND we were led to believe that it was 4 bedrooms and 2.5 baths. Now we learn it is potentially 6 bedrooms and 4 baths.

I would like to state that every resident in the first block of Spinnaker, and everyone on Ruby Court (except Mr. McLaughlin) were here first, and now many of the citizens of these two streets implore the Planning Commission not to ignore the feelings of the retirees living here. Ruby Court has 2.5 homes where the owners or occupants are still working; the rest of us are retired and lead a quiet life. We do not want a large group of people renting that property because of the potential noise – people **party** when they are on vacation. If this is approved and there IS noise, we, the permanent residents, will have no recourse, because it will already have been approved.

Alexis Proctor, 2992 Ruby Court, Bandon, OR 97411 

September 23, 2017

City of Bandon, Planning Commission

Re: Conditional Use Permit: 2967 Spinnaker Dr. – To designate an existing Single Family Dwelling as a Vacation Rental Dwelling, on property zoned CD-1 in the City of Bandon.

Dear Commissioners,

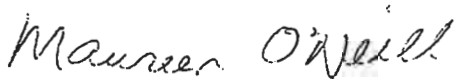
Thank you for the opportunity to address this Conditional Use Permit. We appreciate the Commission staff report indicating an appropriate plan to protect the rights and interests of the neighborhood while permitting the owners of this property fair use in accordance with the City Zoning Ordinance.

We have always found the neighborhood to be very welcoming, presenting a friendly face to both visitors and new residents. We believe that property owners should be allowed to use their land in any way that is consistent with the rights of those that came before them and look forward to presenting a similar face to the visitors who will be renting this property in order to come and enjoy the bounty we all appreciate.

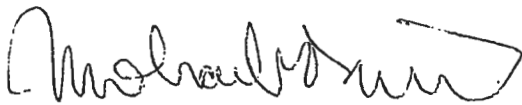
We agree with all 17 recommendations as listed in the Planning Commission Agenda Documentation on Page 10 and have no additional recommendations to provide.

Based on these recommendations and the underlying Ordinances in Bandon Municipal Code, Title 17 we welcome the addition of this Vacation Rental Dwelling to our neighborhood.

Sincerely,



Maureen O'Neill



Michael O'Neill
2927 Ruby Ct
Bandon, OR 97411



Megan Worton <mworton@ci.bandon.or.us>

RE: application for nightly vacation rental of new two story home located at 2967 Spinnaker Dr., Bandon

1 message

Mary Woolley <woolley.pcland@gmail.com>
To: mworton@cityofbandon.org

Tue, Sep 26, 2017 at 9:39 PM

We are firmly against the request to make the above location a nightly vacation rental.

With four bedrooms, that means that four or more cars could be present, traffic would increase, and the neighborhood would suffer from the lack of having accountable owners or renters (long term) on the premises. Particularly, this is a narrow street which is already overburdened with traffic. Even the best of rental companies are not the same as having a "neighbor" next door.

This also presents a dangerous precedent for the remaining vacant properties in the surrounding neighborhoods.

This area is desirable because it is a neighborhood. Vacation renters and rental agencies of even the best kind cannot replace the wonderful presence of the true neighborhood which now exists. Please don't wreck our homes and surroundings by putting this ill fitting nightly rental among us.

Bandon residents deserve better than enduring living in a nightly rental area. Also, do not the covenants protect us from this calamity? **Do not allow this nightly rental.**

Thanks for your consideration of this important matter.

Sincerely, Mary Woolley and John Mitchell

property manager <joan1269@hotmail.com>
To: Megan Worton <mworton@ci.bandon.or.us>

Mon, Sep 25, 2017 at 6:41 PM

Hi Megan:

Thank you for sending the information about the VR application: Gu (17-089) at 2967 Spinnaker Dr.

I had a phone conversation with Dana last week to express some concerns of mine regarding the Vacation Rental of 2967 Spinnaker Dr. I told her I would follow up with an email to you which you can share with her before your meeting.

First, I feel the house is quite large for our neighborhood and it needed exception before it was built. I didn't have too many concerns as I thought a family was moving in. I can see now it was intended to go to a Vacation Rental. Had I known that up front I would of voiced concern from the beginning as this house is very large for the small homes on the street. I feel as a Vacation Rental, this home could easily get too many renters for the location. There could be much more noise, cars, and issues. And parking is also a concern on this street.

Second, Spinnaker Dr. was a cul-de-sac a few years ago. It looked like Ruby Ct. when I bought on the street. The street was put through for a contractor who developed the streets which flow to the back of Spinnaker and to the east. When this was done, there were no access points for the streets to go through to Seabird. Because of this, Spinnaker Dr. has been taking the "load" from this subdivision. More cars, and many trucks due to all the construction, etc. I think this is another reason not to put a big VR on this street.

I'm hoping this application is turned down. Please keep my comments for the Planning Commission and meeting. I do not wish to have a "bad neighbor" feeling when I only want to express my concern. This owner is out of state.

Thank you very much,

Joan Swanson

2952 Spinnaker Dr.

September 21, 2017

Re: Property at 2967 Spinnaker Drive, Bandon, Tax Lot 612; Map 28-15-36 CD

Greetings, Planning Commissioners,

When Bao Yi Gu and Hui Min Zhao applied for a building permit, they should have stated *then* that they intended to turn a single-family dwelling into a vacation rental. There is already a vacation rental on that street, and one more is not needed or appreciated.

More important, however, is that the noise level is likely to be intolerable for those living on either Spinnaker or Ruby Ct., but by the time any of us has a chance to complain about the noise, it will be too late if the Planning Commission approves the proposed permit.

When the home was being built, the construction workers made a terrible racket, upsetting neighbors on both Spinnaker and on Ruby Court whose property backs up to their property on Spinnaker. It was so outrageously loud at times, that one neighbor was in tears many times. The noise of the workers' voices carried, so that one can only image the entire unit filled with vacationing guests enjoying themselves day and night perhaps with loud music, without a care about the numerous retirees on both streets. Ostensibly, there could be as many as ten individuals staying at the house because of the number of bedrooms and bathrooms it actually has. Moreover, it is well known that vacation renters, since they do not live here in Bandon, are often negligent about cleaning up after themselves, so one might expect trash to be blowing up or down the streets and into yards in the neighborhood, as it did this past year while the construction workers were there.

If this home were one or two bedrooms, we could see the possibility of a vacation rental with a maximum of four people present, but with up to ten vacationers, it is absolutely **not fair** to those of us who already own property in this neighborhood.

We have heard that the Commission has already made up its mind to approve the permit, but we hope this rumor is not true. Please consider all the long-term residents on these two streets, and deny permission to turn that house into a vacation rental.

Sincerely,

Stanley D. Clemens
Stanley D. Clemens 2906 Ruby Ct., Bandon, Oregon 97411

Alexis Proctor 2992 Ruby Ct. Bandon, OR 97411

9/1017

Reference Property location Map28-15-36 CD, Tax Lot 612.

In regards to the application submitted by owners of above property to designate single family dwelling as

a vacation rental is not in the best interest or taking into consideration to existing residents in this neighborhood. The dwelling is a large two story (four bedroom 2 1/2 bath with 2700 square feet)?. not the average fit for the street that it faces. The area has been growing as a mix of retired and non-retired with children of school age in the surrounding area. The neighborhood hardly reflects the highly sought vacation rentals lining Beach Loop or the Sun Set locations. Vacation rentals are a bussines!

Prior to the original appoval for the contruction of this residence it was understood by current residences that it would be a family home with children of school age. Taking into consideration the size of this structure it will be sougth after by more than just a mother, father and three children . Vacation rentals of this size will attract large groups needing space for their reunions, wedding parties, golf, fishing groups, and those who just wish to party. . This is not a good fit for this neighborhood, it is not Beach Loop or Sun City!

It is of further interest that the initial construction permit was issued to a Baoyi Gu. The request for vacation rental shows ownership of two, the above and a Hui Minb Zhao. This sounds like a partnership of some sort , not a family with school age children! Perhaps this location is not suitable for a vacation rental of this size!

Clarence E. Pitts Ph# 541-347-4871

2958 Ruby Ct.

Bandon,97411`
Aida + Elwood Caban

September 21, 2017

Re: Property at 2967 Spinnaker Drive, Bandon, Tax Lot 612; Map 28-15-36 CD

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We have heard that the Commission has already made up its mind to approve the permit, but we hope this rumor is not true. Please consider all the long-term residents on these two streets, and deny permission to turn that house into a vacation rental.

Sincerely,

A handwritten signature in black ink, appearing to read "Aida S. Elwood Cab". The signature is written in a cursive style with a long horizontal flourish extending to the right.



Megan Worton <mworton@ci.bandon.or.us>

Conditional use permit for 2967 Spinnaker Dr SW

Kent and Bev <bevandkent@hotmail.com>

Wed, Sep 27, 2017 at 2:39 PM

To: "mworton@cityofbandon.org" <mworton@cityofbandon.org>

To Whom It May Concern,

It is with some regret, that we are writing to oppose the granting of a conditional use permit for a vacation rental at 2967 Spinnaker Drive SW.

We watched this lovely house being built and were looking forward to having new neighbors. We are very surprised to learn that this house might be used as a vacation rental. As much as we like visitors to our town, we really prefer that our subdivision remain residential. We're not opposed to long-term rentals, but don't want to have to deal with the downsides of vacation rentals, namely those few irresponsible short-term renters, who are here today, and gone tomorrow.

Thank you for your time.

Beverly Minn

Kent Hall

Ocean Trails Subdivision

21 September 2017

CITY OF BANDON, PLANNING COMMISSION
555 Highway 101
P.O. BOX 67
Bandon OR 97411

Ref: APPLICANT/PROPERTY OWNER: Bao Yi Gu and Hui Min Zhao
PROPERTY LOCATION: Map 28-15-36 CD, Tax Lot 612
FOR: Conditional Use to designate a recently developed dwelling to a Vacation Rental on property zoned CD-1

Dear Madam/Sir:

In regard to the proposed hearing set for September 28, 2017 at 7:00pm, this is to notify the City of Bandon Planning Commission that we are totally opposed to a variance or rezoning of the recently constructed two story family dwelling for a Vacation Rental at the address of 2967 Spinnaker Drive SW, Bandon OR.

In October 2016 we brought to the attention of the City of Bandon Planning Commission our grievances regarding this particular construction possibly becoming a rental property. The proposed plans at that time called for a two-story single family dwelling to be constructed in a neighborhood of one-story single family manufactured homes. Once again, this build does not conform to the layout of the other properties on the same street. Nor is it in a suitable location to be appealing to renters. It has become apparent that the site at 2967 Spinnaker Drive was developed with all intentions to be used as a rental property and not as characterized during planning or construction.

Our community mostly consists of retirees who chose this particular section of Bandon for its tranquility. Recently, we have been overwhelmed with the busy, noisy, traffic due to housing construction which will soon cease. However the busy, noisy, traffic of a vacation rental will be disruptive for years to come. Most transient visitors do not abide by local laws and regulations; an example is the speed limits within this community. We have deaf adults and young children who are always at risk without sufficient warning signs posted. Vehicles can and have injured persons in our neighborhood.

The existing four bedroom, two and a half bath building is an albatross looking to house large families with multiple members, not the small family of one parent with one teenage child as was portrayed prior to the approval for the previous Notice to a Controlled Development. The circulation of activity at this property will also affect the existing wildlife which meanders throughout the Subdivisions.

Let us point out that during the building phases of this residence the garbage and construction remnants were distributed by the wind onto the street and other properties. The outhouses also turned over several times for the same reasons of wind drafts. Additionally, trash remained in the adjacent wetlands areas until the neighbors cleaned it out. Now the questions come up as to who will be the responsible agent to keep control of the garbage and trash? What party will be held accountable to the influx of rodents, pests, animals, and other unwanted creatures? Who will be the

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Page (2)

CITY OF BANDON, PLANNING COMMISSION

PROPERTY LOCATION: Map 28-15-36 CD, Tax Lot 612

FOR: Conditional Use to designate a recently developed dwelling to a Vacation Rental on property zoned CD-1

exterior cleanup persons so that garbage receptacles are placed out and taken in timely and accordingly with refuse pickup? And recycle pickup? These are pertinent questions since we, the residents, have to live in this environment.

We fail to see that the owners of this property have little concerns regarding the neighborhood as this is also exemplified by the lack of attention to the growth in obnoxious weeds, for one example, the gorse. This by itself is concern for the whole city of Bandon as the degree of all weed growth at the developed site is overwhelming.

Vacation rentals have mostly been established in areas along Beach Loop, Sun City, Coquille Point, Old Town, and etcetera along the coastline. These locations offer visitors a more delightful place to enjoy the Bandon atmosphere rather than blocks away from the entrancing views, entertainment, and other amenities. Whereas a rental unit away from these areas can be mostly vacant, open to vagrants, susceptible to break-ins, inviting vandalisms, harboring criminals, appealing to gang tagging, and proliferating drug trafficking.

One other factor which seems to have been overlooked with development is this dwelling has been constructed practically on top of a drainage ditch running parallel to the rear of the property. The drainage from this ditch flows into an already sensitive wetland area which is also adjacent to and part of the existing property. The added volume in rain and water runoff to these already overloaded systems will accelerate erosions to an adjoining property while additionally causing damages to that location.

We support the City of Bandon, we pay taxes, we shop and spend our money here. We live here! A majority of us moved to Bandon to enjoy our golden years as best as we can in a beautiful setting for retirement. Many families with school age children came to this area for them to grow and mature in a safe, secure neighborhood.

We do not recommend approval of a variance or rezoning or Conditional Use Permit to be designated as a Vacation Rental for the two-story single family dwelling at the address 2967 Spinnaker Drive, Bandon OR.

Aida & Elwood Caban
2991 Spinnaker Drive
Bandon OR 97411

Aida & Elwood Caban

CLARENCE E. PITTS
CLARENCE E. PITTS
2958 RUBY CT.
BANDON, OR 97411

21 September 2017

CITY OF BANDON, PLANNING COMMISSION
555 Highway 101
P.O. BOX 67
Bandon OR 97411

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Aida & Elwood Caban
2991 Spinnaker Drive
Bandon OR 97411

Aida & Elwood Caban

*Bob & Lois Olds
2941 Spinnaker Dr.
Bandon 541-329-2188*

21 September 2017

CITY OF BANDON, PLANNING COMMISSION
555 Highway 101
P.O. BOX 67
Bandon OR 97411

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Aida & Elwood Caban
2991 Spinnaker Drive
Bandon OR 97411

Aida & Elwood Caban

RICHARD SHANKS
Richard Shanks

DEBRA SHANKS
Debra Shanks

2948 SPINNAKER DR.
BANDON, OR 97411

21 September 2017

CITY OF BANDON, PLANNING COMMISSION
555 Highway 101
P.O. BOX 67
Bandon OR 97411

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Aida & Elwood Caban
2991 Spinnaker Drive
Bandon OR 97411

Dawn McAuley-Smith
2980 Spinnaker Dr.
Aida & Elwood Caban
BANDON, OR 97411

ITEM 4.1.11

September 28, 2017:
Planning Commission
Packet

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: September 28, 2017

SUBJECT: CONDITIONAL USE PERMIT: 2967 SPINNAKER DR.

ITEM NO: 4.1

Background:

CONDITIONAL USE PERMIT – 2967 SPINNAKER DR. – TO DESIGNATE AN EXISTING SINGLE FAMILY DWELLING AS A VACATION RENTAL DWELLING, ON PROPERTY ZONED CD-1 IN THE CITY OF BANDON.

SUBMITTED BY:



Megan Worton, Planning Assistant



CONDITIONAL USE PERMIT FOR VACATION RENTAL DWELLING STAFF REPORT

Application File Name (Number):

Gu (17-089)

Applicant's Request:

Approval of a Conditional Use Permit for a newly built single-family dwelling as a Vacation Rental Dwelling in the CD-1 Zone

Owner/Applicant:

Bao Yi Gu, (425) 628-3386

Applicant's Representative:

Same as above

Lead City Staff:

Dana Nichols, City Planner, (541) 347-2437

Hearing Date:

Thursday, September 28th, 2017 at 7:00 PM

Subject Property/Location/Size:

The property is a newly built single-family dwelling on the east side of Spinnaker Drive SW, the second property north of Seabird Drive. The property, 2967 Spinnaker Drive SW, is Tax Lot 612 of Map 28-15-36CD, and encompasses 13,530 square feet.

Current Zone Designation:

Controlled Development 1 Zone

Relevant Dates:

Zoning Compliance and Plan Review applications were submitted to the City of Bandon on September 30th, 2016 for the construction of a new single-family dwelling in the Controlled Development 1 Zone. The application for Plan Review was approved by the Planning Commission Hearings Officer on October 20, 2016 and Zoning Compliance was issued on November 14th, 2016. The property owners received a Certificate of Occupancy on August 17th, 2017. A Conditional Use Permit application was submitted to the City of Bandon on July 21st, 2017. The application was deemed complete on August 18th, 2017. Notice was sent out to surrounding property owners regarding the notice of review before the Planning Commission.

Purpose of Staff Report:

Staff reports provide the Planning Commission and community members with information regarding current land use requests and staff analysis of the application. The staff report provides information and recommendations.

Ordinances Referenced:

(See also http://www.cityofbandon.org/sites/default/files/fileattachments/general/page/280/title_17_-_zoning-2014.pdf)

17.20	Controlled Development 1 (CD-1) Zone
17.92	Conditional Uses

Current Request:

The subject of this request is for a Conditional Use Permit (“CUP”) to have a Vacation Rental Dwelling (“VRD”) in the Controlled Development 1 Zone (“CD-1”).

I. Relevant Facts

Background – History of Application

This application involves a newly built home within the CD-1 Zone on the east side of Spinnaker Drive SW, two parcels north of Seabird Drive. The owner has proposed to use this home as a VRD. Per section 16.42, “Vacation Rental Dwelling” (VRD) means an existing single-family detached dwelling which is rented, or is available for rent (whether advertised or not) for a period of less than one month to a family, group or individual. A VRD is considered to be a commercial use.

Zoning Compliance and Plan Review applications were submitted to the City of Bandon on September 30th, 2016. The Plan Review was approved by the Planning Commission Hearings Officer on October 20th, 2016 and a Final Order of Approval signed on October 31st, 2016. Zoning Compliance was granted on November 14th, 2016 and a Certificate of Occupancy was granted to the applicant on August 17th, 2017.

A Conditional Use Permit application was received by the City of Bandon on July 21st, 2017 for a Vacation Rental Dwelling request for the newly built home. Since the home had not received a Certificate of Occupancy (C of O), the application could not be reviewed because the property did not constitute an “existing single-family detached dwelling” due to construction not being complete. A C of O was issued on August 17th, 2017 and the application deemed complete on August 18th, 2017.

The property is a two-story single-family dwelling with an attached garage. The dwelling has a master suite and an office (with a closet) on the first floor and two additional bedrooms on the second floor, with a den (with a closet) and bonus room as well. The

office, den or bonus room may be considered possible bedrooms for the purposes of approval of the vacation rental dwelling. The lower floor contains a garage and storage. The owner has stated that adequate parking will be provided, either on the concrete driveway or in the garage.

Detailed Description of the Site and Proposal

Site Description

The property is located on the east side of Spinnaker Drive SW, two parcels north of Seabird Drive. The property is approximately 0.3 acres, with the western side of the property (123' in length) facing the street. The lot is larger than others in the area due to a lot line adjustment that occurred in 2003 that added approximately 30' of frontage to the property. The property includes a portion of a storm water retention area on the southern end, about 35 feet in width.

Figure 1 Tax Lot Map and Designation

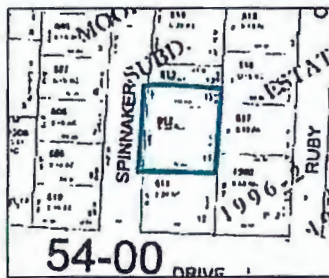


Figure 2 Aerial View of Subject Property



Figure 3 Street view of home



Figure 4 Street view of neighborhood



II. **Project Impact**

The applicant is requesting to be allowed to use the existing single-family dwelling located on the subject property as a Vacation Rental Dwelling. All properties surrounding the subject property are zoned CD-1. Per section 17.92.090(K), “a dwelling may only be eligible for VRD status provided that it is an existing single-family detached dwelling”. It appears that this may be one of the first single-family dwellings purposefully constructed to be a VRD without serving as a primary residence.

Further, this house is over 3,500 square feet (with impermeable surfaces totaling 4,767 square feet) on a lot that is 13,300 square feet. While this is permitted within the zone, this property is much different than the surrounding neighborhood. Other homes close by are 1,500-2,000 square feet on lots that are approximately half the size. While the home is stick built and of good quality, it is of a size and scale that is different from the surrounding neighborhood.

The home has five rooms that are either considered bedrooms in the plans, or could otherwise be classified as bedrooms (closet and window). While a vacation rental is limited to 10 occupants, this is still an increase in use for this neighborhood as there is only one other home within a 250’ radius currently listed as a vacation rental dwelling. This may also cause issues with parking for the property. The applicant has not documented what the intended occupancy will be, or how many parking spaces will be needed.

Additionally, this property raises concerns with drainage. Public Works has required that all roof drains be plumbed to the street as concerns over the detention pond have come up in the past.

17.92.020 Authorization to impose conditions

In approving an application for a conditional use or the modification an existing and functioning conditional use, the city may impose, in addition to those standards and requirements expressly specified by this title, any additional conditions which the city considers necessary to assure that the use is compatible with other uses in the vicinity and to protect the city as a whole. These conditions may include but are not limited to:

- A. Changing the required lot size or yard dimensions;*
- B. Limiting the height of the building(s);*
- C. Controlling the location and number of vehicle access points;*
- D. Requiring additional right-of-way areas or changing the street width;*
- E. Requiring public improvements, including, but not limited to streets, sidewalks, sewer and water line extensions, and bike paths;*
- F. Changing the number of off-street parking and loading spaces required;*
- G. Limiting the number, size and location of signs;*
- H. Requiring diking, fencing, screening or landscaping to protect adjacent or nearby property;*
- I. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;*
- J. Limiting the hours, days, place and manner of operations;*
- K. Limiting or setting standards for the location and intensity of outdoor lighting;*
- L. Setting requirements on the number, size, location, height and lighting of signs;*
- M. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.*

As the home has already been built, many of these criteria have already been met. However, Criteria G (Chapter 17.20.050) regulates signs for VRDs. VRDs are only allowed to have one sign no more than two square feet in area. Staff recommends that this be listed as a condition for approval. Additionally Criteria K & L regulate lighting of the home and signs. Staff recommends no additional outdoor lighting, other than what is already in place, should be allowed, especially any additional lighting that will impact neighboring properties or directed west or skyward.

17.92.040 Approval standards for conditional uses

The approval of all conditional uses shall be consistent with:

- A. The Comprehensive Plan;*
- B. The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;*
- C. That the site size and dimensions provide adequate area for the needs of the proposed use;*

Specifically, concerns have been raised about the amount of hard surfacing on the lot that would cause stress on the detention pond, which is shared by the entire subdivision. The applicant installed additional concrete and compacted crushed rock areas that were not identified on the original building plans, but were later addressed after an inspection of the property by City of Bandon staff. The site plan on file has been modified to include the new areas, and the new total impervious area complies with the CD-1 zone requirements.

III. **Procedural – Required Burden of Proof**

Title 17 – Chapter 17.20 – Controlled Development 1 (CD-1) Zone

17.20.010 Purpose

The purpose of the CD-1 zone is to recognize the scenic and unique qualities of Bandon's ocean front and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development in this zone. It is intended that a mix of uses would be permitted, including residential, tourist commercial and recreational. Future development is to be controlled in order to enhance and protect the area's unique qualities.

The proposed VRD status as a conditional use is allowed only in the Controlled Development zones. The home, however, may be inconsistent with overall neighborhood character of single-story, residential homes. As a two-story, five-bedroom home with the potential for high occupancy when rented, it is a more intensive use than what currently exists in the neighborhood.

17.20.030 Conditional uses

In the CD-1 zone, *vacation rental dwellings as defined in Title 16* are permitted as a conditional use provided that the use promotes the purpose of the zone and all other requirements of this title are met.

Title 17 – Chapter 17.92 – Conditional Uses

17.92.010 Authorization to grant or deny conditional uses

Conditional uses are those which may be appropriate, desirable, convenient or necessary in the zoning district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Applications for uses designated in this title as conditional uses may be granted, granted with modifications or denied by the planning commission in accordance with the standards and procedures set forth in this chapter. Vacation Rental Dwellings are listed as a conditional use in the CD-1 Zone. The Planning Commission has the authority to act on this application and may impose conditions that are appropriate for this request.

- D. *That the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses;*
- E. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;*
- F. *All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant;*
- G. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;*
- H. *All other requirements of this title that apply.*

As it pertains to the underlined section above (Criteria G), the applicant has not clearly shown that the proposed use will not alter the character of the existing neighborhood. The CD-1 zone permits outright residential uses that include single-family homes, state parks, residential care and adult foster care homes, and public utilities. These are not uses that have the same impact that a vacation rental has the potential to create (multi-car parking, increased use of streets, and noise). A VRD may be an appropriate use for the Beach Loop Drive area, with many of the homes built to accommodate large families and many cars; however the neighborhood in this request is primarily defined by a higher density of modest, single-family homes.

17.92.060 Application for a conditional use

The applicant has submitted copies of the original site development plan and the required fee. The applicant has also submitted a narrative to both the conditional use application and the VRD requirements, providing Staff with a complete application; however, the findings of fact presented do not adequately address the criteria for approval. The applicant has failed to provide the proper information regarding intended occupancy, required parking spaces, or impact to neighboring homes. While the applicant may feel like the house as built is a “higher class house on the street which can attract tourists, potentially improve the local economy and employment in some degree”, how this will happen has not been clearly shown.

Items 1-7 in Section C have either been submitted with this application or were submitted with the original site review plan with the exception of a sign plan. The sign plan will be approved through Chapter 17.20.050.

17.92.090 Standards governing conditional uses.

A conditional use shall comply with the standards and purpose of the zone, but may also be modified in authorizing the conditional use, in this case the Vacation Rental Dwelling status.

A dwelling may only be eligible for VRD status provided that less than 30% of the dwellings on property within 250 feet of the subject property are VRD's. There are 22 single-family dwellings within 250' of the subject property and one VRD within the noticing area.

The applicant must also adhere to provisions that include

1. *No more objectionable noise, smoke, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling.* The applicant has stated that in addition to regular trash to prevent unwanted odors, a property manager will be available to monitor the property.
2. *VRDs without private beach access have written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points will be taken.* Directions to public beach access will be provided to guests within the house.
3. *Dwellings will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance.* The property has been designed with a low maintenance yard with crushed rock and mulch. The property manager will be responsible to monitor the exterior maintenance.
4. *VRDs shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces.* The property contains a driveway and garage, which has the capacity for five off-street parking spaces.
5. *There are provisions for regular garbage removal from the premises.* The property owner has contracted with a local service to provide trash pickup.
6. *There shall be a designated local management person immediately available to handle complaints and problems as they arise. The name and contact information of the designated local management person shall be kept on file in the Police Department.* The designated local management person for the property is Bandon Beach Vacation Properties, LLC.
7. *Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done.* The property owner has stated that this service is provided by Bandon Beach Vacation Properties, LLC. The applicant will be required to comply with all reporting and accounting requirements of the transient occupancy tax ordinance.

IV. **Conclusions**

As previously stated, this is a request for a Vacation Rental Dwelling, which is a conditional use within the CD-1 Zone subject to certain limitations and additional standards. In addition to what is mentioned as part of the burden of proof, certain additional limitations apply.

Bandon Municipal Code (BMC) 17.92.090(K) states that *occupancy of any VRD shall not exceed three people per bedroom up to a maximum of ten people.* While site plans for the home show

three bedrooms, other rooms in the house may be considered a bedroom, including the lower floor office and upper floor den. Both spaces contain ingress/egress, windows, and closets. The Planning Commission may choose to allow nine occupants based on the specified number of bedrooms, or may choose to consider one of the additional rooms a bedroom and allow 10.

Additionally, while the BMC states that there shall be one off-street parking space for each bedroom in the VRD, BMC 17.96.040(G) states that a maximum of three parking spaces may be located within the required setback on a residential property. The garage on the property has capacity for two vehicles and the concrete driveway has capacity for three vehicles, all of which would be all or partially located within the required front setback. The maximum vehicle occupancy for this property is five vehicles.

Further, BMC 17.92.100 states that the conditional use permit shall become void one year after approval, or after a greater or lesser time as may be specified as a condition of approval. The Planning Commission may choose to do so and can extend a use permit for an additional period of one year. Should the VRD activity cease for a period of a year, which is monitored by transient occupancy tax receipts, the VRD permit will become null and void with no further proceedings.

The Commission may also choose to address the compatibility of this request with the existing neighborhood. As Criteria G of BMC 17.92.040 states, the proposed use shall not alter the character of the surrounding area in a way that substantially limits, impairs, precludes the allowable uses within the underlying zone. The applicant has failed to provide adequate evidence that the VRD status will not alter the neighborhood in any way. As was explained above, the intended use of the home as a vacation rental will increase impact to the neighborhood with additional traffic, parking, and occupancy. Further, the existing neighborhood contains modest, single family homes on smaller lots, whereas the applicant's home is approximately twice the size of other homes, and located on a much larger lot.

Recommendations

As this may be the first application where a new home was built specifically as a vacation rental, Staff has identified concerns with the findings as submitted by the applicant, in addition to compatibility issues with the neighborhood, and occupancy and parking issues. The Commission may wish to continue discussion of this item and request greater clarity from the applicant. However, should the Commission choose to approve the application as submitted, Staff recommends the following conditions be added:

1. That the plans submitted in this Conditional Use Permit shall be in substantial conformance with status as a Vacation Rental Dwelling.
2. All signage placed on the subject property must meet the requirements of Chapter 17.20.050.

3. No additional outdoor lighting, other than what is already in place, will be allowed. Lighting that will negatively impact neighboring properties or directed west or skyward is prohibited.
4. Written notification must be provided to renters of the home informing them where the nearest public beach access point is located and the need to use the public beach access and not cross over any fore dunes or private property in order to access the beach.
5. Written notification must be provided to renters of the home informing them that vehicles owned or operated by individuals renting the VRD, or visitors to the VRD, shall not park on the City street or on the unimproved portion of the City right-of-way.
6. Written notification must be provided to renters of the subject property informing them of the property owner and/or designated local management person, with phone number, immediately available to handle complaints and problems as they arise.
7. Written notification must be provided to renters of the subject property informing them of the maximum allowed occupancy, which for this dwelling could be nine or ten individuals, pending Planning Commission decision, and it is a violation of the conditional use to allow more than the stated amount.
8. Written notification must be provided to renters of the home informing them that all dogs must be kept on a leash per City code.
9. Written notification regarding tsunami evacuation routes and supporting emergency information must be provided to renters of the home.
10. The name and contact information of the property owner and/or designated local management person shall be kept on file in the Police Department. Any changes in this information must be updated with the Police Department.
11. The dwelling and landscaping must be maintained at or above the level of surrounding dwellings in the neighborhood.
12. Garbage shall be removed from the premises on a regular basis.
13. The applicant is required to file all reporting and accounting requirements of the transient occupancy tax ordinance.
14. Maximum off-street parking be limited to five vehicles at any time.
15. Any violation of conditions of approval may cause the Planning Commission to hold a Public Hearing to consider revoking the Conditional Use.
16. The City has the right and authority to prosecute any violation of the conditions of approval as allowed by the Bandon Municipal Code.
17. All other City, State, and Federal rules and regulations must be adhered to.

CITY OF BANDON
CONDITIONAL USE PERMIT
APPLICATION

DATE RECEIVED: 7-21-17
 FEE PAID: 750.00 CUP
 RECEIPT #: 9.030637
 APPLICATION COMPLETE: _____
 INITIALS: _____

Current Ownership

Application #: 17-089

Property Address: <u>2967 Spinnaker Dr. SW, Bandon, OR</u>		
Property Owner: <u>Bao Yi Gu</u>	Daytime Phone: <u>425.628.3386</u>	
Mailing Address: <u>15745 SE 25th street</u>	Fax/e-mail: <u>Frank.PSE@gmail.com</u>	
City: <u>Belleveue</u>	State: <u>WA</u>	Zip Code: <u>98008</u>
Attach proof of Ownership and Legal Description.	Lot size: <u>0.3 Acre</u>	Map: <u>28515 W 36CD</u> Tax Lot: <u>612</u>

NOTE: IF APPLICANT IS DIFFERENT FROM PROPERTY OWNER, THE ATTACHED AUTHORIZATION STATEMENTS, MUST BE INCLUDED WITH THIS APPLICATION.

Applicant:	Daytime Phone:	
Mailing Address:	Fax/e-mail:	
City	State:	Zip:

DESCRIBE WORK PROPOSED:

Vacation rental

Frank Gu

DATE: 7/21/2017

SIGNATURE of Applicant or Property Owner

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS APPLICATION, INCLUDING ALL SUBMITTALS AND ATTACHMENTS, IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

Describe the Conditional Use Permit Request

PLOT MAP FOR:

Bao Yi Gu

CONTACT #: 425-628-3386

EMAIL: frank.pse@gmail.com

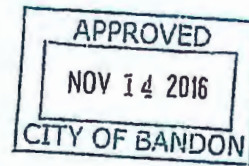
SITE ADDRESS: TBD Spinnaker Dr., Bandon Oregon 97411

MAP/TAX LOT #: 28S15W36CD/612

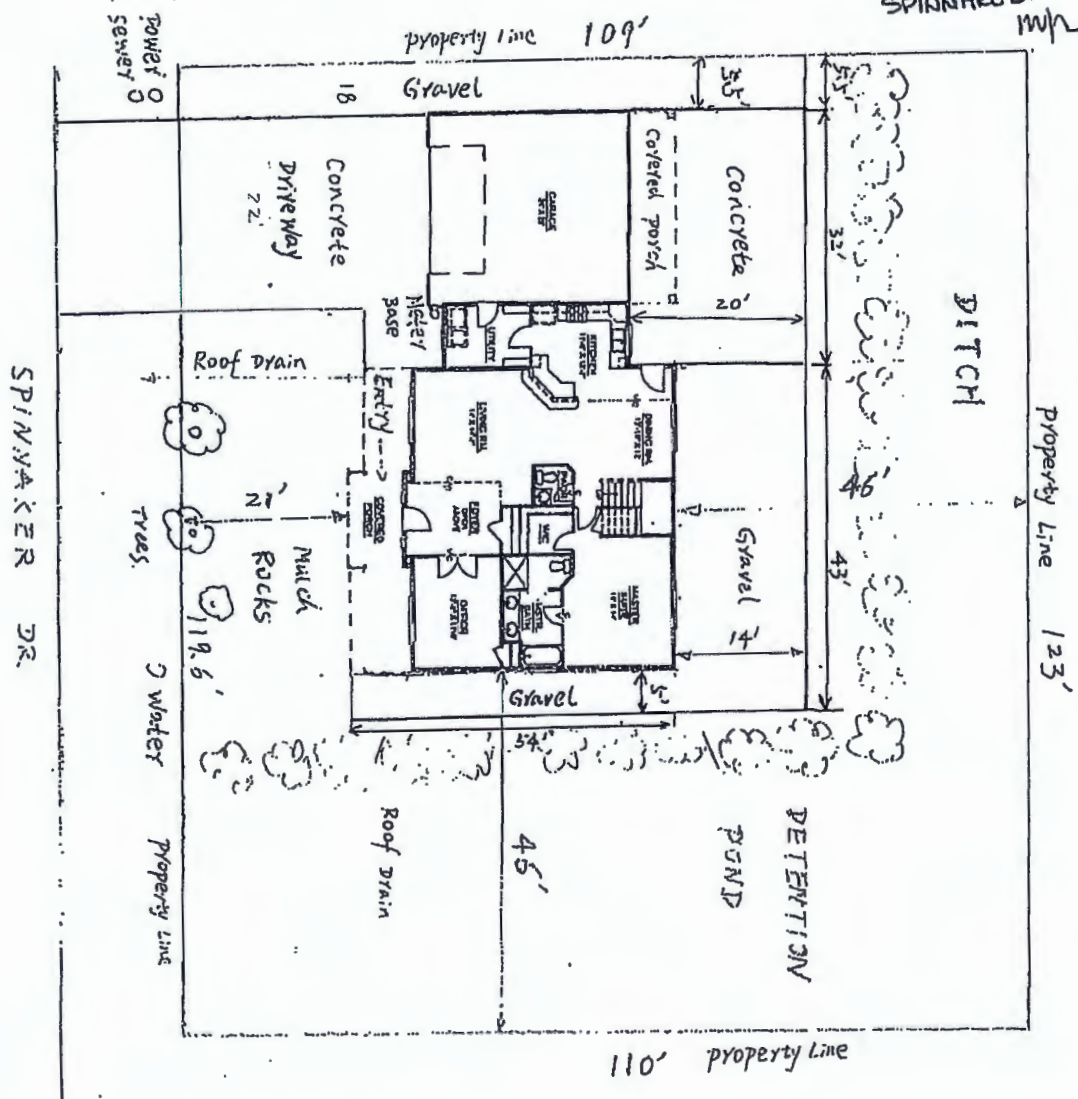
.30 Acres

Impervious surface 4767 sft

Rate = $4767 / 13310 = 35.8\%$ scale = 1" = 20'



* ALL ROOF DRAINS
MUST BE HARD
PLUMBED TO
SPINNAKER DR.



CONDITIONAL USE PERMIT APPLICATION CHECKLIST

APPLICATION #: 17-089

STAFF APPLICANT FAILURE TO COMPLETE THE CHECKLIST MAY RESULT IN DELAYS

		PROOF OF OWNERSHIP (DEED)
		LETTER OF AUTHORIZATION OR EARNEST MONEY AGREEMENT
		LEGAL DESCRIPTION OF THE EXISTING PROPERTY
		APPLICATION FOR PERMIT TO DEVELOP IN THE FLOODPLAIN (NEW CONSTRUCTION OR REMODEL)
		LANDSCAPE PLAN (REQUIRED FOR ALL CONDITIONAL USE PERMIT APPLICATIONS UNLESS OTHERWISE NOTED)
		ZONING COMPLIANCE APPLICATION

PLOT PLAN MUST INCLUDE THE FOLLOWING:

		PROPERTY LINES, LOT DIMENSIONS ♦ ALL DIMENSIONS MUST BE WRITTEN ON THE PLOT PLAN
		SETBACKS ON ALL SIDES OF THE PROPERTY
		LOCATION OF ALL EXISTING AND PROPOSED BUILDINGS OR ADDITIONS
		LOCATION OF ALL MECHANICAL EQUIPMENT
		LOCATION OF ALL DECKS, FENCES, PATIOS, NON-PERMEABLE SURFACES
		LOCATION AND PURPOSE OF EASEMENTS, IF APPLICABLE
		ALL OFF-STREET PARKING
		LOCATION OF FRONT ENTRANCE
		LOCATION OF DRIVEWAY AND MATERIALS TO BE USED
		SURFACE DRAINAGE AND ROOF DRAINAGE DIRECTION ♦ MUST BE APPROVED BY PUBLIC WORKS DEPARTMENT
		EXISTING AND PROPOSED WATER AND SEWER LINE LOCATIONS

ADDITIONAL DRAWINGS:

		FLOORPLAN
		ELEVATIONS: ALL FOUR INDICATING NORTH, SOUTH, EAST AND WEST; IF REMODEL OR ADDITION, MUST INCLUDE FULL ELEVATION WITH EXISTING AND PROPOSED AREAS CLEARLY MARKED.
		GRADE OF PROPERTY, IF NEW CONSTRUCTION, (EXISTING AND PROPOSED) AND GRADING PLAN (IF APPLICABLE)
		GEOTECH REPORT (IF REQUIRED)
		DRAINAGE PLAN (IF REQUIRED) WITH ENGINEERED DRAWINGS
		ENGINEERED FOUNDATION (IF REQUIRED)

SIGNS

		DRAWINGS TO SCALE AND SQUARE FOOTAGE OF ALL PROPOSED SIGNS AND COLOR SAMPLES OF ALL SIGNAGE
		PLOT PLAN WITH LOCATION OF ALL EXISTING AND PROPOSED FREE-STANDING SIGNS (IF APPLICABLE) LOCATION AND SQUARE FOOTAGE OF ALL EXISTING SIGNS ON PROPERTY/BUILDING

NOTE: AT LEAST ONE SET OF PLANS MUST BE NO LARGER THAN 11" X 17". IF YOUR APPLICATION DOES NOT MEET THIS REQUIREMENT IT WILL BE RETURNED.



**CITY OF BANDON
AUTHORIZATION FOR ACCESS**

APPLICATION #: 17-089

I, Bao Yi Gu the undersigned, give authorization to the planning Commission and/or City staff to enter onto the subject property, described as

Map 28515W36CD Tax Lot 612, in the current Coos County Assessor's records.

Property Owner: *Franklin* Date: 7/20/2017

NOTE:

A FAXed copy of this form is acceptable for the purpose of filing an application.
However, the original will be required prior to final approval.



CITY OF BANDON
AUTHORIZATION FOR
REPRESENTATION

APPLICATION #: 17-089

I, Bao Yi Gu the undersigned, give authorization to Brandon Beach Vacation Properties, LLC.
↑ act as my agent in
regard to the attached application, on the subject property, described as Map' 28515 W 36 CD
Tax Lot 612, in the current Coos County Assessor's records.

Property Owner: *Franka* Date: 7/21/2017

NOTE:

**A FAXed copy of this form is acceptable for the purpose of filing an application.
However, the original will be required prior to final approval.**

The CUP application must be accompanied by the following Findings of Fact:

APPROVAL STANDARDS FOR CONDITIONAL USES.

THE APPROVAL OF ALL CONDITIONAL USES SHALL BE CONSISTENT WITH:

A. THE COMPREHENSIVE PLAN: HOW IS THE PROPERTY DESIGNATED BY THE COMPREHENSIVE PLAN (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, CONTROLLED DEVELOPMENT)? IS THE PROPOSED USE THE SAME AS THE COMPREHENSIVE PLAN DESIGNATION?

CD-1 (Controlled Development)

B. THE PURPOSE AND DIMENSIONAL STANDARDS OF THE ZONE EXCEPT AS THOSE DIMENSIONAL STANDARDS HAVE BEEN MODIFIED IN AUTHORIZING THE CONDITIONAL USE PERMIT. WHY? IS THE PROPOSED USE ALLOWED IN THE ZONE? IF A STRUCTURE IS INVOLVED WILL IT MEET THE DIMENSIONAL STANDARDS OF THE ZONE IN REGARD TO HEIGHT, SETBACKS, OR LOT COVERAGE?

N/A, No need to modify approved plan.

C. THAT THE SITE SIZE AND DIMENSIONS PROVIDE ADEQUATE AREA FOR THE NEEDS OF THE PROPOSED USE; IS THE PROPERTY LARGE ENOUGH TO ACCOMMODATE THE PROPOSED USE? IS THERE ADEQUATE AREA IF ADDITIONAL PARKING IS REQUIRED? IS THE AREA LARGE ENOUGH TO ACCOMMODATE TRAFFIC FLOW IF REQUIRED?

**No additional parking required; we have enough off-street parking space.
No additional impact to traffic flow.**

D. THAT THE SITE SIZE AND DIMENSIONS PROVIDE ADEQUATE AREA FOR AESTHETIC DESIGN TREATMENT TO MITIGATE POSSIBLE ADVERSE EFFECT FROM THE USE OF SURROUNDING PROPERTIES AND USES; WILL THE USE YOU ARE PROPOSING BE NEGATIVELY AFFECTED BY A CURRENT USE ON A NEIGHBORING PROPERTY? IF SO, YOU WILL NEED TO ADDRESS THE AFFECT BY PROVIDING SCREENING OR LANDSCAPING OR OTHER METHODS OF LESSENING THE IMPACT.

No foreseeable negative effect to neighborhood.

E. THE CHARACTERISTICS OF THE SITE ARE SUITABLE FOR THE PROPOSED USE CONSIDERING SIZE, SHAPE, LOCATION, TOPOGRAPHY AND NATURAL FEATURES; IS THE PROPERTY LARGE ENOUGH TO ACCOMMODATE THE BUILDING OR ADDITION PROPOSED? WILL THE TOPOGRAPHY REQUIRE EXTENSIVE ALTERATIONS TO SUPPORT THE USE SUCH AS GRADING, CUTTING, OR ENGINEERED FOUNDATIONS DUE TO HAZARDOUS CONDITIONS?

**Yes. It is a higher class house on the street which can attract tourists, potentially improve local economy and employment in some degree.
The house is relatively isolated from neighbors by vacant land, pond, ditch and trees, which make it ideal for a vacation rental.**

No cutting or grade change is required.

F. ALL REQUIRED PUBLIC FACILITIES AND SERVICES HAVE ADEQUATE CAPACITY TO SERVE THE PROPOSAL, AND ARE AVAILABLE OR CAN BE MADE AVAILABLE BY THE APPLICANT; ARE THE EXISTING PUBLIC FACILITIES (SEWER, WATER, ELECTRIC) ADEQUATE TO ACCOMMODATE THE PROPOSED USE OR WILL UPGRADES BE REQUIRED?

Yes, the existing sewer, water and electric is adequate.

G. THE PROPOSED USE WILL NOT ALTER THE CHARACTER OF THE SURROUNDING AREA IN A MANNER WHICH SUBSTANTIALLY LIMITS, IMPAIRS, OR PRECLUDES THE USE OF SURROUNDING PROPERTIES FOR THE PERMITTED USES LISTED IN THE UNDERLYING ZONING DISTRICT; WILL THE PROPOSED USE NEGATIVELY AFFECT NEIGHBORING PROPERTIES OR WILL IT BE COMPATIBLE WITH OTHER ALLOWED USES IN THE NEIGHBORHOOD?

No. I don't foresee any negative effect to neighboring property.

It is compatible to another vacation rental property on the same street; actually my house is in a better condition.

H. All other requirements of this title that apply:

N/A

VACATION RENTAL CHECKLIST

APPLICATION # 17-089

THE FOLLOWING INFORMATION MUST BE PROVIDED WITH YOUR APPLICATION.
PLEASE STATE HOW THE FOLLOWING REQUIREMENTS WILL BE MET:

1. No more objectionable noise, smoke, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;

Trash service property manager to monitor and give neighbors contact info

2. VRDs without private beach access have written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points will be taken;

done by the owner

3. VRDs using a joint access driveway shall assure that any other private access does not object to the proposed vacation rental dwelling using the private access;

D/N/A

4. Dwellings will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;

low maintenance yard

5. VRDs shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces.

driveway + garage

6. There are provisions for regular garbage removal from the premises;

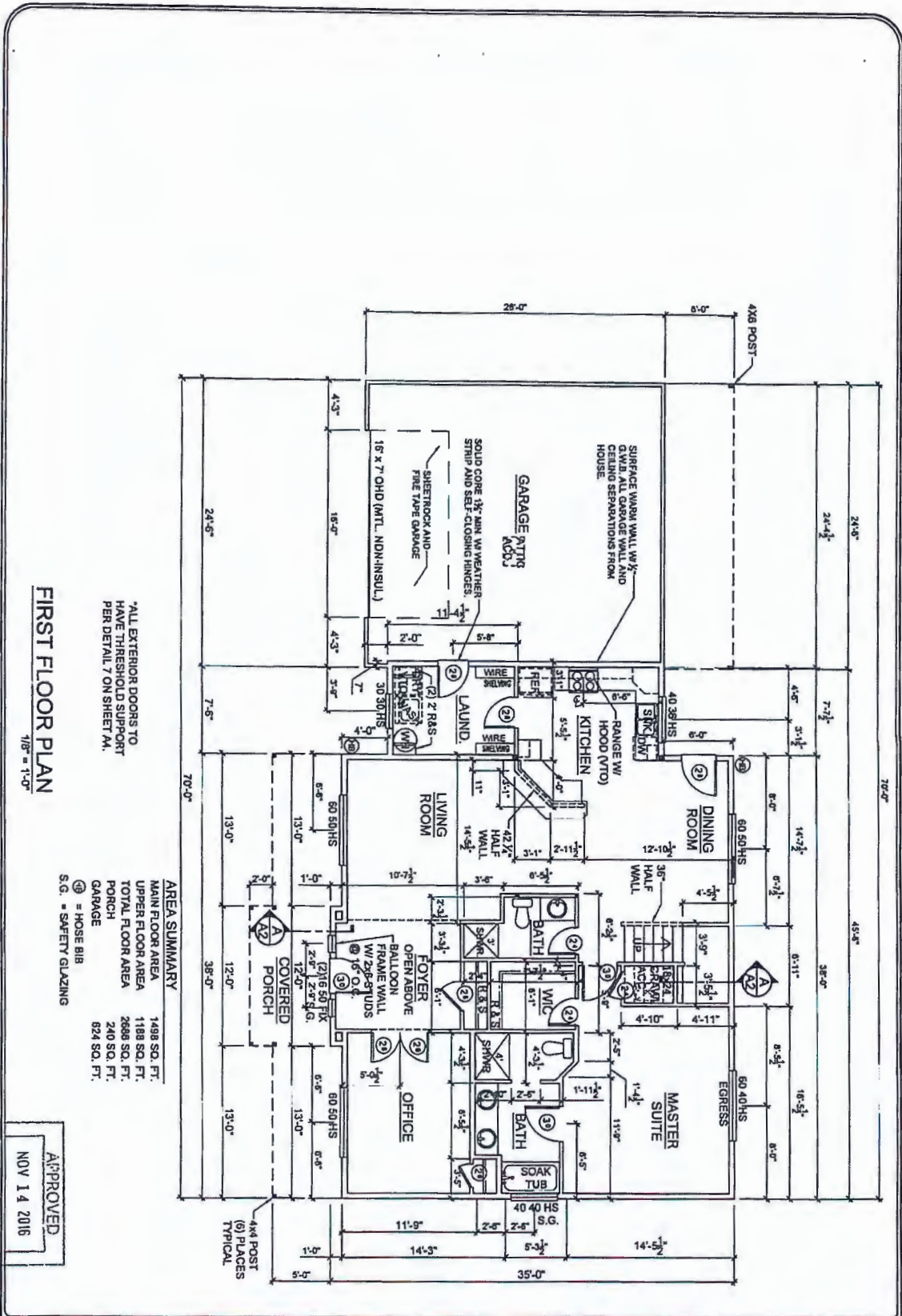
local service

7. There shall be a designated local management person immediately available to handle complaints and problems as they arise. The name and contact information of the designated local management person shall be kept on file in the Police Department.

Banda Banda Properties, LLC

8. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done.

done by Banda Banda Properties, LLC



ALL EXTERIOR DOORS TO HAVE THRESHOLD SUPPORT PER DETAIL 7 ON SHEET A1.

FIRST FLOOR PLAN
1/8" = 1'-0"

AREA SUMMARY

MAIN FLOOR AREA	1488 SQ. FT.
UPPER FLOOR AREA	1188 SQ. FT.
TOTAL FLOOR AREA	2688 SQ. FT.
PORCH	240 SQ. FT.
GARAGE	824 SQ. FT.

⊕ = HOSE BIB
⊗ = SAFETY GLAZING

APPROVED
NOV 14 2016
CITY OF RANDON

A1

FLOOR PLAN

CUSTOMER: **BAO YI GU**
16745 SE 25TH ST
BANDON, OR 97411
(425) 628-3368

SITE ADDRESS:
TBD SPINNAKER DR
BANDON, OR 97411



ITEM 4.1.12

September 7, 2017:
Notice of Public Hearing

❖ ❖ ❖ LEGAL NOTICE ❖ ❖ ❖
NOTICE OF PUBLIC HEARING
CITY OF BANDON

NOTICE IS HEREBY GIVEN that a Public Hearing has been set before the Planning Commission of the City of Bandon upon the application for a Conditional Use to designate an existing single family dwelling as a vacation rental dwelling, on property zoned CD-1 in the City of Bandon.

APPLICANT/PROPERTY OWNER: Bao Yi Gu and Hui Min Zhao
REPRESENTATIVE:
PROPERTY LOCATION: Map 28-15-36 CD, Tax Lot 612

The hearing has been set for **Thursday, September 28, 2017**. The Planning Commission meeting begins at 7:00 p.m. in the Council Chambers at City Hall, Bandon Oregon.

Time will be allowed for your verbal testimony at this hearing. It is recommended that testimony be presented in written form. You may also submit testimony by US mail or electronically. Please note the deadlines below for submitting testimony:

In an attempt to ensure written testimony is able to be reproduced and distributed, the City will only accept 5 pages (8 ½" x 11" single sided) or less. Any testimony over 5 pages will require 12 sets of copies to be submitted. Please note the deadlines below for submitting testimony:

- **5:00 pm, September 21, 2017:** Deadline for inclusion of testimony in Planning Commission packet.
- **5:00 pm, September 27, 2017:** Deadline for Electronic (e-mail or FAX) testimony. *PLEASE NOTE: Every effort will be made to deliver your electronic message to the commission. However, the City of Bandon is not responsible for failure of communications links, hardware or software in delivery of your testimony. In no event can the City ensure your electronic testimony will be given to the Commission unless it is electronically or physically received before 5 p.m. on Septemeber 27, 2017.*
- **5:00 pm, September 28, 2017:** Deadline for receipt of hand delivered or US mail testimony.
- **After 5:00 pm on September 28, 2017:** Testimony must be presented at the hearing.

The applicable criteria are contained in Sections 16.42 Definitions, 17.20 CD-1 Zone, and 17.92 Conditional Uses of the Bandon Municipal Code

The proposal must also be consistent with the Goals and Policies of the Bandon Comprehensive Plan that may be deemed applicable.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at the City Offices and Library at no cost. Copies will be provided at a reasonable cost.

The staff report will be available for inspection at no cost at least ten days prior to the meeting and a copy will be provided at a reasonable cost. Contact the Planning Department at (541) 347-2437, or e-mail mworton@cityofbandon.org for further information.

Dated September 7, 2017
BANDON PLANNING COMMISSION

SEE REVERSE SIDE FOR MAP

AFFIDAVIT OF MAILING

I, MEGAN WORTON, HEREBY DEPOSE AND SAY THAT I DID, ON SEPTEMBER 7, 2017 SEND A NOTICE OF PUBLIC HEARING FOR A CONDITIONAL USE PERMIT APPLICATION TO BE SEEN BEFORE THE PLANNING COMMISSION, REGARDING 2967 SPINNAKER DR., THAT WAS DELIVERED TO THE UNITED STATES POST OFFICE AT BANDON, OREGON ON SEPTEMBER 7, 2017 FOR MAILING TO THE ATTACHED LIST OF PARTICIPANTS.



MEGAN WORTON
PLANNING ASSISTANT

FOR: NOTICE OF PUBLIC HEARING: CUP 2697 SPINNAKER-VRD APPLICATION FOR FRANK GU

ITEM 4.1.13

July 21, 2017: Application
for Conditional Use
Permit for Vacation Rental
Dwelling

CITY OF BANDON
CONDITIONAL USE PERMIT
APPLICATION

DATE RECEIVED: 7-21-17
 FEE PAID: 750.00 CUP
 RECEIPT #: 9.030637
 APPLICATION COMPLETE: _____
 INITIALS: _____

Current Ownership		Application #: 17-089
Property Address: <u>2967 Spinnaker Dr. SW, Bandon, OR</u>		
Property Owner: <u>Bao Yi Gu</u>	Daytime Phone: <u>425.628.3386</u>	
Mailing Address: <u>15745 SE 25th street</u>	Fax/e-mail: <u>Frank.PSE@gmail.com</u>	
City: <u>Belleve</u>	State: <u>WA</u>	Zip Code: <u>98008</u>
Attach proof of Ownership and Legal Description.	Lot size: <u>0.3 Acre</u>	Map: <u>28515 W 36CD</u> Tax Lot: <u>612</u>

NOTE: IF APPLICANT IS DIFFERENT FROM PROPERTY OWNER, THE ATTACHED AUTHORIZATION STATEMENTS, MUST BE INCLUDED WITH THIS APPLICATION.

Applicant:	Daytime Phone:	
Mailing Address:	Fax/e-mail:	
City	State:	Zip:

DESCRIBE WORK PROPOSED:

Vacation rental

Frank Gu

DATE: 7/21/2017

SIGNATURE of Applicant or Property Owner

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS APPLICATION, INCLUDING ALL SUBMITTALS AND ATTACHMENTS, IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

Describe the Conditional Use Permit Request

PLOT MAP FOR:

Bao Yi Gu

CONTACT #: 425-628-3386

EMAIL: frank.pse@gmail.com

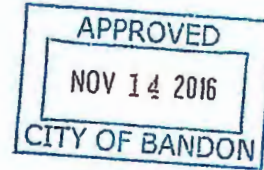
SITE ADDRESS: TBD Spinnaker Dr., Bandon Oregon 97411

MAP/TAX LOT #: 28S15W36CD/612

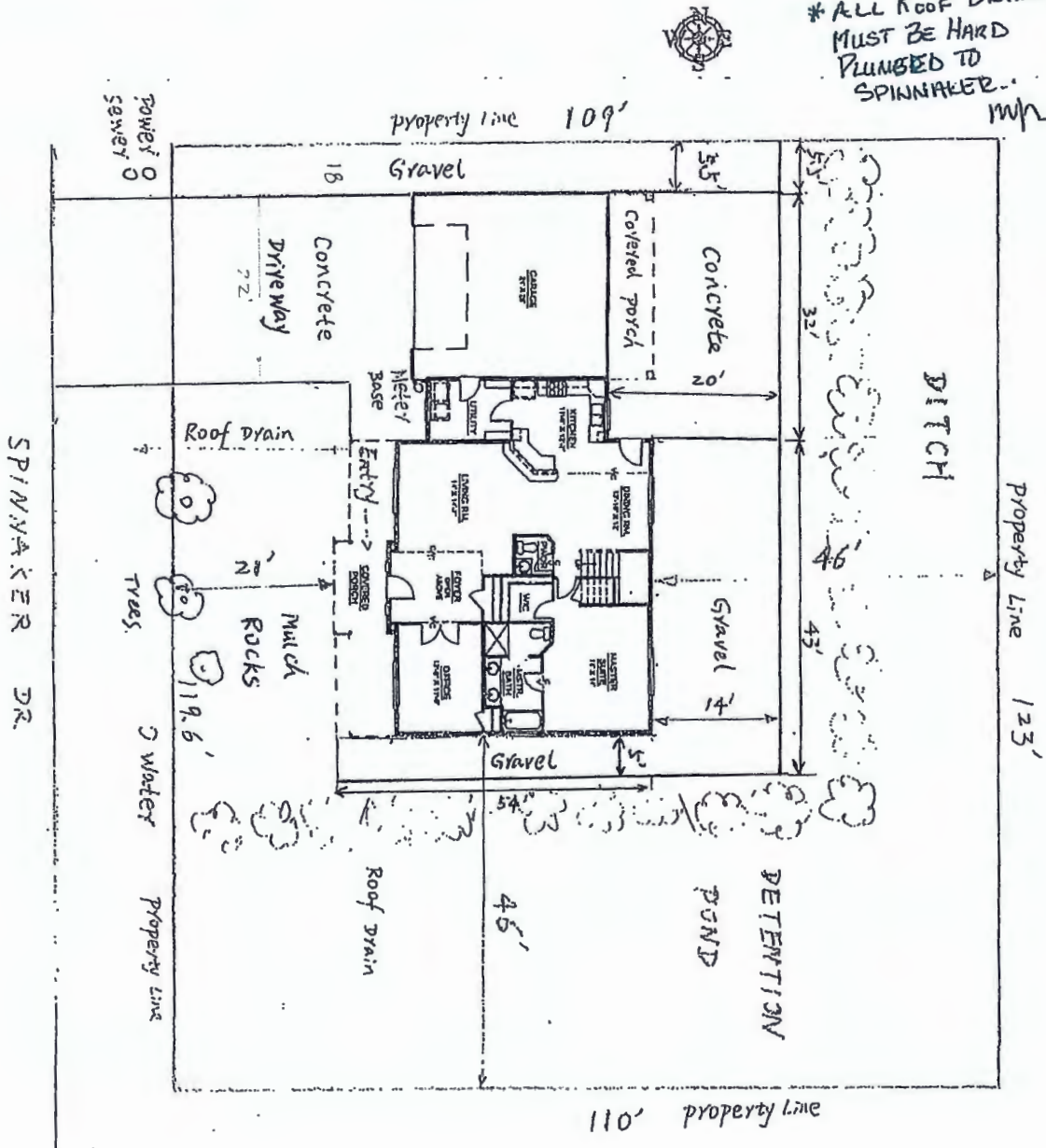
.30 Acres

Impervious surface 4767 sft

Rate : $4767 / 13310 = 35.8\%$ 'scale: 1" = 20'



* ALL ROOF DRAINS
MUST BE HARD
PLUMBED TO
SPINNAKER...
mhp



CONDITIONAL USE PERMIT APPLICATION CHECKLIST

APPLICATION #: 17-089

STAFF APPLICANT FAILURE TO COMPLETE THE CHECKLIST MAY RESULT IN DELAYS

		PROOF OF OWNERSHIP (DEED)
		LETTER OF AUTHORIZATION OR EARNEST MONEY AGREEMENT
		LEGAL DESCRIPTION OF THE EXISTING PROPERTY
		APPLICATION FOR PERMIT TO DEVELOP IN THE FLOODPLAIN (NEW CONSTRUCTION OR REMODEL)
		LANDSCAPE PLAN (REQUIRED FOR ALL CONDITIONAL USE PERMIT APPLICATIONS UNLESS OTHERWISE NOTED)
		ZONING COMPLIANCE APPLICATION

PLOT PLAN MUST INCLUDE THE FOLLOWING:

		PROPERTY LINES, LOT DIMENSIONS ♦ ALL DIMENSIONS MUST BE WRITTEN ON THE PLOT PLAN
		SETBACKS ON ALL SIDES OF THE PROPERTY
		LOCATION OF ALL EXISTING AND PROPOSED BUILDINGS OR ADDITIONS
		LOCATION OF ALL MECHANICAL EQUIPMENT
		LOCATION OF ALL DECKS, FENCES, PATIOS, NON-PERMEABLE SURFACES
		LOCATION AND PURPOSE OF EASEMENTS, IF APPLICABLE
		ALL OFF-STREET PARKING
		LOCATION OF FRONT ENTRANCE
		LOCATION OF DRIVEWAY AND MATERIALS TO BE USED
		SURFACE DRAINAGE AND ROOF DRAINAGE DIRECTION ♦ MUST BE APPROVED BY PUBLIC WORKS DEPARTMENT
		EXISTING AND PROPOSED WATER AND SEWER LINE LOCATIONS

ADDITIONAL DRAWINGS:

		FLOORPLAN
		ELEVATIONS: ALL FOUR INDICATING NORTH, SOUTH, EAST AND WEST; IF REMODEL OR ADDITION, MUST INCLUDE FULL ELEVATION WITH EXISTING AND PROPOSED AREAS CLEARLY MARKED.
		GRADE OF PROPERTY, IF NEW CONSTRUCTION, (EXISTING AND PROPOSED) AND GRADING PLAN (IF APPLICABLE)
		GEOTECH REPORT (IF REQUIRED)
		DRAINAGE PLAN (IF REQUIRED) WITH ENGINEERED DRAWINGS
		ENGINEERED FOUNDATION (IF REQUIRED)

SIGNS

		DRAWINGS TO SCALE AND SQUARE FOOTAGE OF ALL PROPOSED SIGNS AND COLOR SAMPLES OF ALL SIGNAGE
		PLOT PLAN WITH LOCATION OF ALL EXISTING AND PROPOSED FREE-STANDING SIGNS (IF APPLICABLE) LOCATION AND SQUARE FOOTAGE OF ALL EXISTING SIGNS ON PROPERTY/BUILDING

NOTE: AT LEAST ONE SET OF PLANS MUST BE NO LARGER THAN 11" X 17". IF YOUR APPLICATION DOES NOT MEET THIS REQUIREMENT IT WILL BE RETURNED.



CITY OF BANDON
AUTHORIZATION FOR ACCESS

APPLICATION #: 17-089

I, Bao Yi Gu the undersigned, give authorization to the planning Commission and/or City staff to enter onto the subject property, described as
Map 28515W36CD Tax Lot 612, in the current Coos County Assessor's records.

Property Owner:  Date: 7/20/2017

NOTE:

A FAXed copy of this form is acceptable for the purpose of filing an application.
However, the original will be required prior to final approval.



CITY OF BANDON
AUTHORIZATION FOR
REPRESENTATION

APPLICATION #: 17-089

I, Bao Yi Gu the undersigned, give authorization to Bandon Beach Vacation Properties, LLC.
↑ act as my agent in
regard to the attached application, on the subject property, described as Map' 28S15W36CD
Tax Lot 612, in the current Coos County Assessor's records.

Property Owner: *Franka* Date: 7/21/2017

NOTE:

A FAXed copy of this form is acceptable for the purpose of filing an application.
However, the original will be required prior to final approval.

The CUP application must be accompanied by the following Findings of Fact:

APPROVAL STANDARDS FOR CONDITIONAL USES.

THE APPROVAL OF ALL CONDITIONAL USES SHALL BE CONSISTENT WITH:

A. THE COMPREHENSIVE PLAN: HOW IS THE PROPERTY DESIGNATED BY THE COMPREHENSIVE PLAN (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, CONTROLLED DEVELOPMENT)? IS THE PROPOSED USE THE SAME AS THE COMPREHENSIVE PLAN DESIGNATION?

CD-1 (Controlled Development)

B. THE PURPOSE AND DIMENSIONAL STANDARDS OF THE ZONE EXCEPT AS THOSE DIMENSIONAL STANDARDS HAVE BEEN MODIFIED IN AUTHORIZING THE CONDITIONAL USE PERMIT. WHY? IS THE PROPOSED USE ALLOWED IN THE ZONE? IF A STRUCTURE IS INVOLVED WILL IT MEET THE DIMENSIONAL STANDARDS OF THE ZONE IN REGARD TO HEIGHT, SETBACKS, OR LOT COVERAGE?

N/A, No need to modify approved plan.

C. THAT THE SITE SIZE AND DIMENSIONS PROVIDE ADEQUATE AREA FOR THE NEEDS OF THE PROPOSED USE; IS THE PROPERTY LARGE ENOUGH TO ACCOMMODATE THE PROPOSED USE? IS THERE ADEQUATE AREA IF ADDITIONAL PARKING IS REQUIRED? IS THE AREA LARGE ENOUGH TO ACCOMMODATE TRAFFIC FLOW IF REQUIRED?

**No additional parking required; we have enough off-street parking space.
No additional impact to traffic flow.**

D. THAT THE SITE SIZE AND DIMENSIONS PROVIDE ADEQUATE AREA FOR AESTHETIC DESIGN TREATMENT TO MITIGATE POSSIBLE ADVERSE EFFECT FROM THE USE OF SURROUNDING PROPERTIES AND USES; WILL THE USE YOU ARE PROPOSING BE NEGATIVELY AFFECTED BY A CURRENT USE ON A NEIGHBORING PROPERTY? IF SO, YOU WILL NEED TO ADDRESS THE AFFECT BY PROVIDING SCREENING OR LANDSCAPING OR OTHER METHODS OF LESSENING THE IMPACT.

No foreseeable negative effect to neighborhood.

E. THE CHARACTERISTICS OF THE SITE ARE SUITABLE FOR THE PROPOSED USE CONSIDERING SIZE, SHAPE, LOCATION, TOPOGRAPHY AND NATURAL FEATURES; IS THE PROPERTY LARGE ENOUGH TO ACCOMMODATE THE BUILDING OR ADDITION PROPOSED? WILL THE TOPOGRAPHY REQUIRE EXTENSIVE ALTERATIONS TO SUPPORT THE USE SUCH AS GRADING, CUTTING, OR ENGINEERED FOUNDATIONS DUE TO HAZARDOUS CONDITIONS?

**Yes. It is a higher class house on the street which can attract tourists, potentially improve local economy and employment in some degree.
The house is relatively isolated from neighbors by vacant land, pond, ditch and trees, which make it ideal for a vacation rental.**

No cutting or grade change is required.

F. ALL REQUIRED PUBLIC FACILITIES AND SERVICES HAVE ADEQUATE CAPACITY TO SERVE THE PROPOSAL, AND ARE AVAILABLE OR CAN BE MADE AVAILABLE BY THE APPLICANT; ARE THE EXISTING PUBLIC FACILITIES (SEWER, WATER, ELECTRIC) ADEQUATE TO ACCOMMODATE THE PROPOSED USE OR WILL UPGRADES BE REQUIRED?

Yes, the existing sewer, water and electric is adequate.

G. THE PROPOSED USE WILL NOT ALTER THE CHARACTER OF THE SURROUNDING AREA IN A MANNER WHICH SUBSTANTIALLY LIMITS, IMPAIRS, OR PRECLUDES THE USE OF SURROUNDING PROPERTIES FOR THE PERMITTED USES LISTED IN THE UNDERLYING ZONING DISTRICT; WILL THE PROPOSED USE NEGATIVELY AFFECT NEIGHBORING PROPERTIES OR WILL IT BE COMPATIBLE WITH OTHER ALLOWED USES IN THE NEIGHBORHOOD?

No. I don't foresee any negative effect to neighboring property.

It is compatible to another vacation rental property on the same street; actually my house is in a better condition.

H. All other requirements of this title that apply:

N/A

VACATION RENTAL CHECKLIST

APPLICATION # 17-089

THE FOLLOWING INFORMATION MUST BE PROVIDED WITH YOUR APPLICATION.
PLEASE STATE HOW THE FOLLOWING REQUIREMENTS WILL BE MET:

1. No more objectionable noise, smoke, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;

Trash service property manager to monitor & give neighbors contact info

2. VRDs without private beach access have written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points will be taken;

done in writing

3. VRDs using a joint access driveway shall assure that any other private access does not object to the proposed vacation rental dwelling using the private access;

DNA

4. Dwellings will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;

low maintenance yard
no A + B + C + D + E + F + G + H + I + J + K + L + M + N + O + P + Q + R + S + T + U + V + W + X + Y + Z

5. VRDs shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces.

driveway + garage

6. There are provisions for regular garbage removal from the premises;

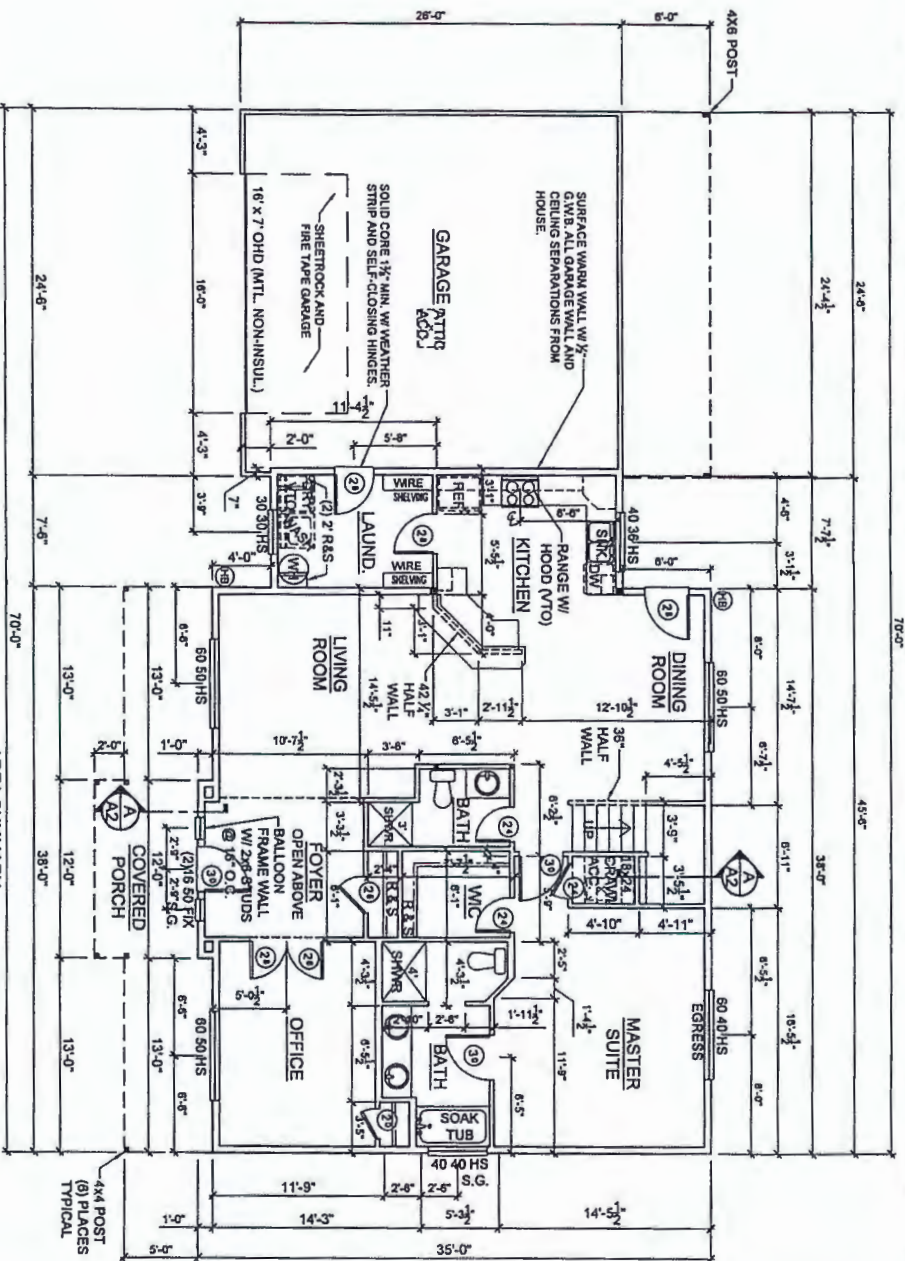
local service

7. There shall be a designated local management person immediately available to handle complaints and problems as they arise. The name and contact information of the designated local management person shall be kept on file in the Police Department.

Bandon Beach Properties, LLC.

8. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done.

done in writing



ALL EXTERIOR DOORS TO HAVE THRESHOLD SUPPORT PER DETAIL 7 ON SHEET AA.

FIRST FLOOR PLAN

1/8" = 1'-0"

AREA SUMMARY

MAIN FLOOR AREA	1498 SQ. FT.
UPPER FLOOR AREA	1188 SQ. FT.
TOTAL FLOOR AREA	2686 SQ. FT.
PORCH	240 SQ. FT.
GARAGE	624 SQ. FT.

Ⓢ = HOSE BIB
 Ⓢ.G. = SAFETY GLAZING

APPROVED
 NOV 14 2016
 CITY OF RANDON



SITE ADDRESS:
 TBD SPINAKEE DR

CUSTOMER:
 BAO YI GU

FLOOR

HILLINE 11500 BANGOR RD
 (253) 776-2222
 PLAN:
 DATE:
 JOB#: 21



